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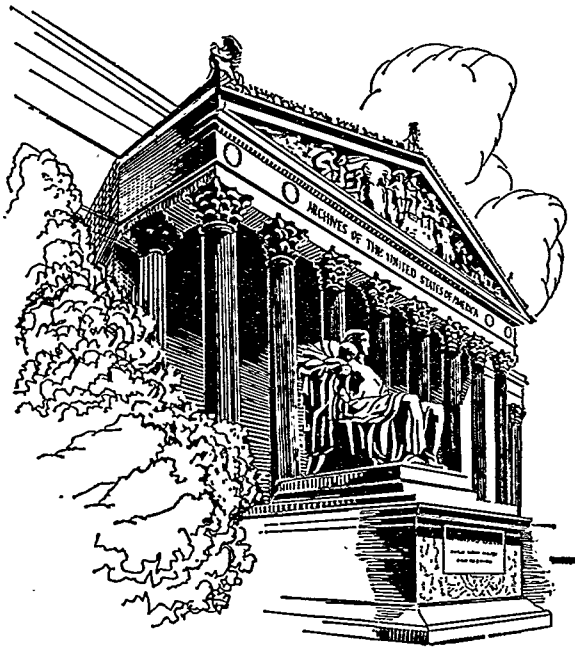

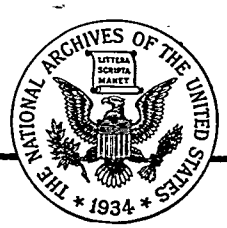

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Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9359; Amdt. 39-717]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744 Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on January 7, 1969, and made effective immediately as to all known United States operators of Vickers Viscount Model 744 airplanes. The directive requires replacement of the inner wing lower spar booms with new booms of the same part number before further flight, if the booms have accumulated 7,000 landings or more; or before 7,000 landings if 7,000 have not been accumulated on the effective date of the AD. Thereafter, the new inner wing lower spar booms must be replaced before the accumulation of 7,000 additional landings.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Vickers Viscount Model 744 airplanes by individual telegrams dated January 7, 1969. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive:

VICKERS VISCOUNT. Applies to Model 744 Airplanes.

Compliance required as indicated.

(a) For airplanes with inner wing lower spar booms which have accumulated 7,000 or more landings on the effective date of this AD, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, replace inner wing lower spar booms with new booms of the same part number.

(b) For airplanes with inner wing lower spar booms which have accumulated less than 7,000 landings on the effective date of this AD, replace inner wing lower spar booms before the accumulation of 7,000 landings with new booms of the same part number.

(c) All new inner wing lower spar booms that are installed in accordance with the requirements of paragraph (a) or (b) of this AD must be replaced before the accumulation of 7,000 landings.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspectors, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane time.

This amendment becomes effective upon publication in the FEDERAL REGISTER and was effective upon receipt for all recipients of the telegram dated January 7, 1969, which contained this amendment.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 21, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-1150; Filed, Jan. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 68-WE-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the geographical coordinates of the Orange County Airport, Santa Ana, Calif., to conform to recently published surveyed data.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, in § 71.171 (33 F.R. 2123) the description of the Santa Ana (Orange County Airport) control zone is amended by deleting the geographical coordinates "(latitude 33°40'10" N., longitude 117°52'15" W.)" in the first line, and substituting in place thereof, "(latitude 33°40'32" N., longitude 117°52'00" W.)."

Effective date. This amendment shall be effective 0901 G.m.t., March 6, 1969.

Issued in Los Angeles, Calif., on January 16, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-1151; Filed, Jan. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 68-CE-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 16006 and 16007 of the FEDERAL REGISTER dated October 31, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Evansville, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The Dress Memorial Airport coordinates recited in the Evansville, Ind., control zone and transition area alteration as "latitude 38°02'15" N., longitude 87°32'00" W." are changed to read "latitude 38°02'15" N., longitude 87°31'45" W.".

This amendment shall be effective 0901 G.m.t., March 6, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; section 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

EVANSVILLE, IND.

Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

EVANSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°57'00" N., longitude 86°30'00" W., to latitude 37°26'00" N., longitude 86°30'00" W., to latitude 37°17'50" N., longitude 87°18'00" W., to latitude 37°12'50" N., longitude 87°39'30" W., to latitude 37°30'00" N., longitude 88°30'00" W., to latitude 38°39'00" N., longitude 88°30'00" W., to latitude 38°39'00" N., longitude 88°00'00" W., to latitude 38°57'00" N., longitude 88°00'00" W., to point of beginning excluding the portion which coincides with the Harrisburg, Ill., transition area.

[F.R. Doc. 69-1152; Filed, Jan. 28, 1969; 8:46 a.m.]

[Airspace Docket No. 68-SO-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Transition Area

On October 12, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 15259) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following.

1. Realign V-194 from McComb, Miss., 12 AGL INT McComb 038° and Meridian, Miss. 243° radials; 12 AGL Meridian.

2. Realign V-455W from Hattiesburg, Miss., 12 AGL via INT Hattiesburg 010° and Meridian 243° radials; 12 AGL Meridian.

3. Realign V-18S from Jackson, Miss., to Meridian as a standard 12 AGL South alternate.

4. Alter the description of the Meridian transition area by substituting lat. 32°11'30" N., for lat. 32°07'00" W., to retain V-194 as one boundary.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all comments received.

The Air Transport Association of America objected to the proposed alignment of V-194 and V-455W via the Meridian 243° True radial as this would increase the route mileage between McComb/Hattiesburg and Meridian by several miles. They requested consideration of the Meridian 220° True radial in lieu of the Meridian 243° True radial in the descriptions of V-194 and V-455W; and the realignment of V-455, 1° to the east to provide standard separation between V-455 and V-455W at Meridian. This request is reasonable. However, if the Meridian 221° True radial is employed in lieu of the Meridian 220° True radial, it would be unnecessary to alter V-455 from its desirable direct alignment between Hattiesburg and Meridian. Such action is taken herein. No other comments were received.

Adoption of these actions will necessitate use of lat. 32°04'00" N. in the description of the Meridian transition area to retain V-194 as one boundary.

Since these amendments to the proposals, as published in the Notice, are minor in nature and will impose no undue burden on any person, the Administrator has determined that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 3, 1969, as hereinafter set forth.

1. Section 71.123 (2009, 17574) is amended as follows:

a. In V-18 "and also a 12 AGL south alternate via INT Jackson 134° and Meridian 262° radials;" is deleted and "and also a 12 AGL south alternate;" is substituted therefor.

b. In V-194 "12 AGL Meridian, Miss." is deleted and "12 AGL INT McComb 055° and Meridian, Miss., 221° radials; 12 AGL Meridian." is substituted therefor.

c. In V-455 "and Meridian 230° radials." is deleted and "and Meridian 221° radials." is substituted therefor.

2. Section 71.181 (33 F.R. 2137) is amended as follows:

In the description of the Meridian, Miss., transition area "thence southwest along the west boundary of V-194 to latitude 32°07'00" N." is deleted and "thence southwest along the west boundary of V-194 to latitude 32°04'00" N." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 21, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-1153; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-87]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 15880 of the FEDERAL REGISTER dated October 26, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Saginaw, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 6, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

SAGINAW, MICH.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W., thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich., VORTAC 317° radial, to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC, to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial, to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC, to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial, to and south along longitude 83°24'00" W., to and west along the north edge of V-216, to and south along longitude 83°30'00" W., to the point of beginning and within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial extending from the 31-mile radius area to 37 miles northwest of the VORTAC.

[F.R. Doc. 69-1154; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68-CE-123]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Cloquet, Minn., transition area.

Recently, the name of Cloquet Municipal Airport was changed to Carlton County Airport. Therefore, it is necessary to alter the Cloquet, Minn., transition area to reflect the new name of the airport. Action is taken herein to effect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately upon publication in the FEDERAL REGISTER as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

CLOQUET, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Carlton County Airport (latitude 46°42'05" N., longitude 92°30'20" W.); and within 2 miles each side of the Duluth, Minn. VOR 244° radial extending from the 5-mile radius area southwest to 22 miles southwest of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-1155; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the 4,500 foot MSL portion of the Seattle, Wash., transition area.

As a result of a review of holding procedures at the McKenna intersection, and in order to approve holding for jet aircraft at 5,000 feet MSL, it is necessary to designate a small amount of additional

controlled airspace as 4,500-foot transition area.

Federal airway V–99 has been revoked and action is taken herein to reflect this change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.181 (33 F.R. 2253) the Seattle, Wash., transition area is amended as follows:

Delete all between "* * *; that airspace south of Seattle extending upward from 4,500 MSL * * *" and "* * * on the southwest by the arc of a 37-mile radius circle * * *" and substitute therefore "* * * bounded on the north by latitude 46°45'00" N., on the southeast by a line extending from latitude 46°45'00" N., longitude 122°25'00" W., to latitude 46°38'00" N., longitude 122°30'-00" W., on the east by longitude 122°30'00" W., on the south by latitude 46°26'00" N., on the west by the east edge of V–165; that airspace southwest of Seattle bounded on the southeast by V–165 * * *"

Effective date. This amendment shall be effective 0901 G.m.t., April 3, 1969.

Issued in Los Angeles, Calif., on January 20, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–1156; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68–CE–77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On November 30, 1968, a final rule was published in the FEDERAL REGISTER (33 F.R. 17850, 17851), F.R. Doc. 68–14348, which designated a transition area at Ludington, Mich. However, in the designation the latitude coordinate for the Mason County Airport, Ludington, Mich., was incorrectly recited as "latitude 44°57'40" N.". It should have read "latitude 43°57'40" N.". Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, "latitude 44°57'40" N." as set forth in the transition area designation in F.R. Doc. 68–14348, is deleted and "latitude 43°57'-40" N." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 69–1157; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68–CE–82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 15558 and 15559 of the FEDERAL REGISTER dated October 19, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a transition area at Sikeston, Mo.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment. The one comment received was from the Air Transport Association which objected to the proposal for the reason that the proposed approach at Sikeston conflicts with all approaches at Cape Girardeau, Mo., particularly with the new approach to the long runway (Runway 10). ATA also objected on the ground that since the proposed minima at Sikeston are the same, whether straight-in to Runway 20, or circling, there is no apparent advantage in developing the approach and designating controlled airspace in this particular direction at Sikeston. The Association requested that the approach to Sikeston be restudied to determine if an approach could be established which would not conflict with the approach to runway 10 at Cape Girardeau.

Pursuant to this request, the Federal Aviation Administration reviewed the proposed instrument approach procedure at Sikeston and the instrument approach procedures at Cape Girardeau. In addition, the agency has reviewed air traffic control requirements at the two locations. Based on this review, the Memphis ARTC Center advises that, considering the amount of IFR air traffic generated at the two airports, there should be little or no inconvenience to any arriving IFR air traffic. In addition, the FAA believes that straight-in approaches are preferable to circling procedures. This is true when minimum altitudes for straight-in procedures are equal to or lower than circling minimums. Further, changing the Sikeston procedure to eliminate confliction with Cape Girardeau procedures precipitates an obstruction clearance problem which would raise the Sikeston minimum descent altitude as well as eliminate the straight-in capability at this airport. In consideration of the foregoing, it appears that the straight-in instrument approach capability at Sikeston is justified. Accordingly, the proposed amendment as so proposed is hereby adopted, subject to the following change:

The Sikeston Municipal Airport coordinates recited in the Sikeston, Mo., transition area as "latitude 36°53'45" N., longitude 89°33'45" W." are changed to read "latitude 36°53'50" N., longitude 89°33'45" W.".

This amendment shall be effective 0901 G.m.t., March 6, 1969.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued at Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

SIKESTON, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 016° bearing from Sikeston Memorial Airport, extending from the airport to the south edge of V–178S.

[F.R. Doc. 69–1158; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68–CE–92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 16007 of the FEDERAL REGISTER dated October 31, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Charlotte, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Fitch H. Beach Airport coordinates recited in the Charlotte, Mich., transition area designation as "latitude 42°35'00" N., longitude 84°49'00" W." are changed to read "latitude 42°34'30" N., longitude 84°48'45" W.".

This amendment shall be effective 0901 G.m.t., March 6, 1969.

(Sec. 307(a) Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

CHARLOTTE, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'-30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

[F.R. Doc. 69–1159; Filed, Jan. 28, 1969; 8:47 a.m.]

[Airspace Docket No. 68-WE-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18198) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for Blanding, Utah, Airport.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change: After "* * * Dove Creek, Colo. VORTAC." add the following: "Excluding that portion within R-6410 during the times that R-6410 is in use."

Effective date. This amendment shall be effective 0901 G.m.t., April 3, 1969.

Issued in Los Angeles, Calif., on January 14, 1969.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (33 F.R. 2137) the following transition area is added:

BLANDING, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Blanding, Utah, Airport (latitude 37°34'52" N., longitude 109°29'00" W.) and within 2 miles each side of the 188° bearing from the Blanding, Utah, RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 5-mile radius area to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 13 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

[F.R. Doc. 69-1160; Filed, Jan. 28, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-108, Amdt. 25]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart M—Expedited Procedure for Modifying or Removing Certain Limitations on Nonstop Operations Contained in Certificates of Public Convenience and Necessity of Local Service Carriers

EXTENSION OF TIME FOR TAKING CERTAIN PROCEDURAL ACTION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1969.

In a notice of proposed rule making dated September 4, 1968,[1] the Board proposed amendments to Part 302 of its rules of practice in Economic Proceedings (14 CFR Part 302) to provide an expedited procedure for modifying or removing certain limitations on operations between points authorized to be served pursuant to certificates of public convenience and necessity of air carriers with 20 percent or more participation in the relevant market, the new subpart to be called "Subpart N." The procedures under proposed Subpart N were largely modeled after those in existing Subpart M of Part 302. For the reasons set forth in the amendment to Part 302 which promulgates new Subpart N, Regulation PR-107, published simultaneously herewith, the Board is inter alia extending the time limits from that set forth in the notice with respect to Subpart N, within which certain procedural action must be taken thereunder. For the reasons there stated, parallel amendments are being made in Subpart M.[2]

Since this regulation relates solely to agency practice and procedure, notice and public procedure hereon are not required, and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 302 of its Procedural Regulations (14 CFR Part 302) effective January 29, 1969, as follows:

1. Amend paragraphs (a) and (c) of § 302.1305 to read as follows:

§ 302.1305 Preliminary procedures; summary dismissal of application; stay of proceedings.

(a) *Applications involving one segment.* On or before the 14th day following the filing of an application under § 302.1303 seeking removal or modification of a restriction applicable solely to service between points on the same segment, the Board may, in its discretion, (1) dismiss the application without prejudice to the refiling thereof under the normal certificate procedure, if the Board finds that the application is not in compliance with, or is inappropriate for processing under, the provisions of this subpart, or (2) stay further procedural steps with respect to such application pending further order of the Board.

* * * * *

(c) Any interested person may, within 10 days after the filing of an application under § 302.1303, file and serve upon the applicant a statement requesting the Board to exercise its discretion to dismiss the application without further procedures in accordance with paragraph (a) or (b) of this section. The filing of a statement shall not operate as a stay of proceedings.

2. Amend § 302.1306(a) to read as follows:

§ 302.1306 Answers to application.

(a) Any interested person may file and serve an answer with the Docket Section of the Board in opposition to, or in support of, an application. Answers shall set forth the economic data and other facts upon which the party relies to support its position. In the case of an application governed by § 302.1305(a), such answers shall be filed and served within 25 days after (1) the expiration of the 14-day period following the filing of an application without Board action, or (2) service of a Board order directing further proceedings pursuant to §§ 302.1306-302.1310. In the case of an application governed by § 302.1305(b), such answers shall be filed and served within 25 days after service of a Board order providing for further proceedings pursuant to §§ 302.1306-302.1310.

* * * * *

3. Amend § 302.1308(b) to read as follows:

§ 302.1308 Intervention.

* * * * *

(b) *Persons not served.* A person who is not served pursuant to § 302.1307 with a copy of an original application may petition for intervention not later than 10 days after service of the Board's order of hearing. Answers to such petition shall be filed within 10 days after the petition is filed.

4. Amend § 302.1309(b) to read as follows:

§ 302.1309 Motions to consolidate.

* * * * *

(b) Answers to motions to consolidate shall be filed within 25 days after service of the motion. Such answers shall (1) set forth the basis of the support of or opposition to the motion to consolidate, and (2) with respect to the merits of the application for route authority, set forth the type of data required by § 302.1306 for answers to an original application.

5. Amend § 302.1310 to read as follows:

§ 302.1310 Reply to answers.

Replies to answers may be filed and served within 10 days after service of an answer to an original application or an answer to a motion to consolidate, as the case may be.

6. Amend § 302.1315(d) to read as follows:

§ 302.1315 Subsequent procedures.

* * * * *

(d) A petition for reconsideration of any order shall be filed within 10 days after service thereof, and an answer in support of or in opposition to such

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[1] PDR-28, Docket 20184 (33 F.R. 12783).

[2] Since we are extending the time for filing requests for dismissal of applications for removal of stop restrictions in Rule 1305(c) from 7 calendar days to 10 days, the time provided for Board action under Rule 1305(a) has been extended from 10 to 14 days. This also requires a reference change in Rule 1306(a).

petition shall be filed within 10 days after the petition is filed.

(Secs. 204(a), 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; secs. 3, 4, Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552, 553)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-1192; Filed, Jan. 28, 1969; 8:50 a.m.]

[Reg. PR-107, Amdt. 24]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart N—Expedited Procedures for Modifying or Removing Nonstop and Long-Haul Restrictions Contained in Certificates of Public Convenience and Necessity of Trunkline Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1969.

On September 6, 1968, the Board issued a notice of proposed rule making (PDR-28, 33 F.R. 12783) amending Part 302 by adding a new Subpart N, establishing expedited procedure for modifying or removing nonstop and long haul restrictions in certificates of air carriers whose participation in the market is 20 percent or more. The proposed expedited procedure provided, where the Board determined to employ it, for a limited evidentiary hearing followed by an expedited discretionary review. Except for the 20 percent market participation requirement and the application to long haul restrictions, the proposed rule is similar to that for off-segment applications under Subpart M, the expedited procedure for modifying or removing limitations on nonstop operations contained in certificates of local service carriers. Comments on PDR-28 were received from Trans Caribbean, nine trunklines, three all-cargo carriers, nine local service carriers commenting jointly, the Department of Transportation and a number of civic and state bodies.[1]

The Board has given careful consideration to all comments presented. For the reasons hereinafter set forth, we have decided to adopt the proposed rule, with certain revisions suggested in the comments, as described below. Except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rule (PDR-28) are incorporated herein by reference and made final.

1. In PDR-28 the Board reserved the question of whether to exclude local service carriers from the rule. The local service carriers in their comment do not object to exclusion, and, of the trunklines commenting on the matter, only Western takes the position that the rule be made applicable to local service carriers. And this request is coupled with the contention that Subpart M be repealed.

In no event would we consider making Subpart N applicable to local service carriers and repealing Subpart M as requested by Western. Not only is repeal beyond the scope of this proceeding, it is necessary and proper that a separate procedure be available to local service carriers adapted to their special needs and operating characteristics. Thus, unlike Subpart N, a prime focus of Subpart M is subsidy reduction and Rule 1304 requires that an application include the estimated effect on the applicant's subsidy need. In the case of local service carriers, the quantum of market participation is not so critical a factor in determining whether expedited procedures should be invoked as it is in the case of trunkline carriers. In addition, the local service carriers are generally subject to on-segment stop restrictions, unlike trunklines, and it is therefore appropriate to make available to them special "automatic" provisions for on-segment applications as contained in Subpart M, but not in Subpart N.[2]

We have also decided not to make Subpart N available to local service carriers in addition to Subpart M. They do not seek inclusion and they would gain no advantages of substance by inclusion. While, unlike Subpart M, Subpart N applies to removal of long haul restrictions, as well as stop restrictions, long haul restrictions in local service carrier certificates are relatively uncommon. Accordingly, we find no need or purpose for making Subpart N applicable to local service carriers.

2. Considering next the comments of the all-cargo carriers, Seaboard requests that procedures analogous to proposed Subpart N be promulgated for all-cargo carriers as well.[3] We are unable to adopt this proposal at this time.

To begin with, the lack of reported data on cargo, as compared to passengers, makes prehearing procedures, including information requests and responses, almost indispensable with respect to all-cargo applications for new route authority. Thus, there is at present no means to measure all-cargo market participation on the basis of reports filed with the Board and no O&D data are available for cargo. Moreover, there is no showing that any significant number of cases involving all-cargo carrier restrictions could be processed under such a procedure, nor has Seaboard submitted any detailed proposals as to how its suggestion could be effected. In sum, it does not appear that expedited procedures analogous to Subparts M and N are presently feasible for applications for exclusively all-cargo authority.

Flying Tiger requests that if a Subpart N applicant seeks authority to provide cargo service in aircraft carrying cargo only, that the application shall so state, and the failure to do so shall preclude award of such authority in the proceeding. This proposal is rejected.

It is well established that a carrier holding passenger and cargo authority has the right to carry traffic in all-passenger aircraft, all-cargo aircraft or combination aircraft. Consequently, under ordinary procedures when such a carrier applies for removal of restrictions on service between points, it need not specify that the authority it seeks includes the right to provide cargo service in aircraft carrying cargo only. Moreover, even if the application were so limited, the Board would not be precluded from expanding the scope of the proceeding to encompass the issue of the grant of unrestricted authority as to both passengers and cargo. Flying Tiger's proposal, in our view, is an unwarranted restriction on both combination carriers and the Board, and will not be adopted.

We also cannot accept the proposal of Airlift and Flying Tiger that the rule require that combination carriers make a specific showing relating to cargo if the requested authority is to apply to all-cargo operations. We see no justification for requiring Subpart N applicants to carry a different burden with respect to all-cargo operations than they do under present procedures. Of course, where all-cargo issues would unduly complicate the proceeding, this would be a factor in the Board's determination as to whether to process the application under Subpart N, and in determining the scope of the issues.

3. A number of carriers ask that Subpart N be applied to interstate points only and Pan American requests that it be even further restricted to points within the 48 contiguous States. We have decided to exclude overseas and foreign points from application of the rule and also to limit it to points within the 48 contiguous States.

[1] City of Philadelphia; Shreveport Chamber of Commerce; Greater Cincinnati Airport and Chamber of Commerce; Massachusetts Port Authority; city and county of Denver; city of Kansas City, Mo.; city of Dayton and the Dayton Area Chamber of Commerce; and Tampa Bay Parties (counties of Hillsborough and Pinellas, Fla., the Greater Tampa Chamber of Commerce, and the city of Tampa).

[2] As noted in PDR-28, most applications under Subpart N would involve complicated issues such as are involved in off-segment applications under Subpart M and therefore further procedures after filing an application would be activated by a Board order. (See Rule 1405(a).)

[3] Airlift considers that Subpart N is applicable to all carriers and suggests modification of Rule 1404 to either establish criteria applicable to all types of carriers or establish different criteria for all-cargo carriers. Subpart N is clearly not applicable to all-cargo carriers, and Rule 1401 expressly limited application to, inter alia, cases where the applicant "is carrying 20 percent or more of the single carrier passengers" between two points. Airlift's request is therefore beyond the scope of this proceeding. We will consider, however, that Airlift supports Seaboard's request for a separate and similar procedure for all-cargo carriers.

As discussed subsequently, the market against which the 20 percent participation criterion is to be measured is to consist of local traffic plus connecting traffic as set forth in the competition surveys: "Competition Among Domestic Air Carriers".[4] The data therein include only markets within the 48 contiguous States. There would be a practical difficulty, therefore, in extending the rule, at this time, to overseas and foreign points and to the States of Alaska and Hawaii.

Moreover, aside from this practical problem, we believe that cases involving international and overseas points would introduce such complexities as to warrant their exclusion in any event. As to Alaska and Hawaii, the Board has either completed in the recent past or has presently under consideration proceedings which have included or include issues of modification or removal of restrictions to points within Alaska and Hawaii.[5] At the present time, therefore, points within Alaska or Hawaii will be excluded from applicaton of the rule.

4. A number of carriers request clarification as to whether the rule is to be applicable to pairs of points on different segments or routes,[6] where the requirement to stop at the segment or route junction point precludes nonstop service. These carriers contend that Subpart N should not be applicable to such markets arguing, in effect, that the proceedings would not be manageable under the expedited rules if carriers were free to propose nonstop service between any pair of points on their far-flung systems.

We agree that this matter needs to be clarified, but we have determined not to restrict the application of the rule to points on the same segment or route.

Objections similar to those noted above were raised in connection with Subpart M. However, the Board determined not to restrict applications to on-segment or on-route points, and we shall not do so with respect to Subpart N. While the absence of such restrictions permits the filing of applications inappropriate for these expedited proceedings, the Board retains control to dismiss at the outset off-segment applications which, because of their complexity, would not be appropriate for expedited processing.

5. Various parties suggest modifications with respect to the applicability of the rule in particular situations. The Tampa Bay Parties suggest that applications should be received from civic parties and request that it be expanded to apply to change-of-plane restrictions. We cannot, however, accept either proposal.

In support of receiving application from civic bodies, the Tampa Bay Parties argue that "there is no assurance that a carrier will initiate a Subpart N request where such a request would be applicable" and that "carriers make their own judgments on when to file what requests with the Board". While these observations may be true, they overlook the fact that the cooperation of the carrier is essential for the operation of the rule. The procedures will not work, if a carrier is unwilling to prosecute actively an application, or provide the service which the removal of restrictions would afford. Accordingly, the proposal is not accepted.[7]

As to the request that the rule be expanded to cover change-of-plane restrictions, this proposal is beyond the scope of the rule making proceeding, and neither the industry nor the public has had opportunity to comment on it. However, if experience under the rule indicates that it should be broadened in the manner requested, the matter may be considered in a subsequent rule making proceeding.

Other comments suggest that the rule be more restrictive than proposed. The local service carriers request that it not be applicable where a local service carrier has nonstop authority (or has a Subpart M application for nonstop authority pending) and the local service carrier is participating in 20 percent or more of the market. TWA proposes that the rule require that an application involve the removal of a restriction or restrictions in only one market; American proposes that the subpart be revised to require that 50 percent of the O&D traffic utilize single carrier routings before the rule becomes applicable; and Eastern asks that the rule not be applicable to interchange markets or markets without an unrestricted carrier. We find that these proposals should be rejected.

As for the request of the local service carriers, in our view the provision of Rule 1401 limiting applications to cases where it does not appear that subsidy needs of a carrier will increase significantly, together with the Board's powers to dismiss inappropriate applications, affords the local service carriers sufficient protection. Where a local service carrier has nonstop authority in a market, it would appear that a trunk carrier would have difficulty in showing that competitive nonstop service by it would not significantly increase the subsidy needs of the local service carrier. And the Board would, of course, closely scrutinize any trunkline applications with respect to their possible impact on the local service carrier in a market of this nature. Moreover, as will subsequently appear, the rule will exclude applications, where, for example, the new authority requested is directly an issue in a pending proceeding under Subpart M.

We also find no need for the proposals of TWA, American, and Eastern. We recognize the merit of Eastern's argument that the 20 percent criterion may not be meaningful in interchange markets and markets with no unrestricted carrier. Thus, in interchange markets, traffic carried on the interchange is not reflected in the competition surveys, giving a restricted carrier the appearance of a greater share of the market than it actually has. Similarly, where all carriers are restricted in a market, the predominant traffic may be moving via a two-carrier connection, also not shown in the competition studies. Moreover, all carriers in such a market could easily be exceeding a 20 percent share of single carrier traffic, and thus pose a sizable problem of carrier selection not suitable for Subpart N procedures. On the other hand, we are not disposed to exclude applications in such markets, and thus to deprive these markets of opportunities for improved service through expedited procedures in appropriate cases. In sum, the fact that single carrier traffic is very small in relation to total traffic would be a pertinent consideration in the Board's determination to dismiss or process an application, and it may be that some applications involving restrictions in multiple markets would be too complex for expedited proceedings. But these are matters that should be left to the Board's discretion, and an absolute prohibition on such applications is both undesirable and unnecessary.

On the other hand, we find merit in a proposal by Eastern to the extent that it requests that the rule not be applicable to markets which are the subject of pending route cases, and the rule will so provide. We shall not, however, adopt Eastern's further suggestion that the rule not be applicable to markets which were directly considered in route cases within the past 2 years. Within 2 years of a decision, conditions in a market could substantially change, and even more so from the time the record in a proceeding is compiled. However, the fact that the new authority requested was directly in issue in a recently decided case would be a pertinent factor in determining whether an application should be processed.

6. Rule 1401 of the proposed regulation, provides, inter alia, that application of the subpart is limited to cases where the applicant "is carrying 20 percent or more of the single carrier passengers" in the market.

Two comments propose liberalization of the 20-percent criterion. The Tampa Bay Parties request that a 10-percent criterion be used. American asks that in addition to the 20-percent standard the rule be revised to include the case where a carrier providing single-plane service "has within the last 3 years applied for removal of the restriction and was at that time carrying 20 percent or more of the single carrier passengers according to the latest 12-month data available". Both requests will be rejected.

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[4] Compiled by the Bureau of Accounts and Statistics and published by the Airline Finance and Accounting Conference of the Air Transport Association.

[5] Pacific Northwest-Alaska Air Service Investigation; Transpacific Route Investigation.

[6] In addition, United requests clarification of the word "points" in Rule 1401 and recommends that it be changed to "metropolitan areas". While we agree that clarification is desirable, we believe that the term "metropolitan areas" would be ambiguous and confusing. Instead, the words "certificated points" will be used in Rule 1401.

[7] In this connection it is noted that applications under Subpart M are confined to local service carriers.

As to the Tampa Bay request, participation by a restricted carrier in a market to the extent of 10 percent would not, in our view, indicate that there may be deficiencies in the service of the unrestricted carriers in the market. A 10-percent criterion would make many additional markets eligible and could burden the Board's docket with a large number of unmeritorious applications. American's request is rejected because it appears designed solely to benefit a specific carrier in a single market, and it has shown no general need or desirability for the revision.

TWA also has two suggestions which would make the 20-percent criterion more restrictive than proposed. It requests that market participation be based on a sliding minimum percentage ranging from 60 percent where there is no unrestricted carrier, 30 percent where there is one, and 20 percent where there are two. The carrier also asks that the 20-percent requirement be combined with a minimum market volume.

We shall not adopt either proposal. In determining whether an application is appropriate for expedited procedures, the Board may properly consider an applicant's market share and the market volume of all carriers in the light of the fact that there are one, two, or no unrestricted carriers in the market. TWA's suggestions would, however, deprive the Board of exercising our judgment based on all the facts set forth in a particular application and could eliminate deserving applications. Moreover, it seems likely that economic factors will impose a considerable measure of self-restraint on carriers with respect to filing applications in low volume markets.

7. Rule 1401 of the proposed subpart also limits applications to cases "where the applicant is already providing single plane service", and Rule 1404 requires a showing that "for the most recent twelve-month period" the applicant has carried 20 percent or more of the single carrier passengers transported between the points. Delta and Eastern request that the requirement of single plane service by an applicant be changed to single carrier service and clarification is requested as to whether service must be offered in both directions. Other comments point out that the words "most recent twelve-month period" are vague and should be clarified, and various suggestions are made as to what should be required in this connection.[8]

We have decided to adopt the proposal of Delta and Eastern, and the rule will be revised to specify that a carrier attaining a 20-percent market participation must have provided single carrier, instead of single plane, service.[9] If, in a market with an unrestricted carrier, an applicant has a 20-percent participation through on-line connecting services, this may indicate even greater service deficiencies on the part of an unrestricted carrier (and greater interest in the market by the restricted carrier) than in the case of a 20-percent participation through single plane service.

With respect to clarification of the 12-month rule, we have carefully considered the suggestions offered. In light of these proposals the rule will specify that the carrier must have maintained a participation averaging 20 percent or more in the four latest calendar quarters for which the relevant traffic data are available.

8. A number of carriers have made suggestions with respect to the problem of defining the market against which the 20 percent criterion is to be measured.

United states that the single carrier passenger requirement of 20 percent participation should be based on the on-line passenger data contained in the Board surveys- "Competition Among Domestic Carriers", which include single carrier O&D and connecting traffic. Western similarly suggests that the traffic include both local and connecting passengers. Northwest, however, suggests that the provision be changed to require 20 percent or more of the "true O&D" passengers in the market.[10] The local service carriers state that the standard of 20 percent or more of the single carrier passengers needs refinement in two respects: (1) To make clear that participation of 20 percent includes only passengers carried as a single carrier rather than as a part of a two carrier connecting service and (2) to make clear that the market against which the 20 percent is measured consists of all local O&D passengers, not just those carried on a single carrier basis.

Upon consideration we have decided to follow the United and Western suggestions that the market comprise single carrier local and connecting traffic as set forth in the Board's competition surveys. For the purposes of the rule, we are of the view that a restricted carrier's interest and performance in a market is generally best gauged by measuring the single carrier traffic it carries in relation to all the single carrier traffic carried in a market by itself and its competitors. Thus, the restricted carrier should be credited with connecting traffic it carries to and from beyond points, but traffic carried via two carrier connection should not be counted in the market base.

9. The local service carriers and TWA request that applications be accompanied by specific economic and operating data. The local service carriers contend that the Board and the parties can only test whether there will be no serious impact on a subsidized carrier if the applicant makes a forecast of its operations along the lines customary in other route proceedings. TWA agrees generally with the statement in the Notice that evidence submitted in support of an application should be left largely up to the applicant. However, TWA considers that in order to determine whether expedition is required the Board should have at its disposal data respecting the type of service proposed and the basic economic ramifications of the proposal.

We are persuaded that certain minimal economic and operating data should be required to accompany an application. From the Board's standpoint, it is desirable to have such data in order to make an informed decision as to whether the application warrants an expedited hearing. Moreover, we believe the applicants should have notice as to what is expected of them in this regard, and the intervening carriers are entitled to sufficient data to prepare their own responses.

As to what specific economic and operating data should be required, we have decided that it should be the same as that recently required of trunk carriers in PR–106, effective December 4, 1968, concerning motions for expedited hearing in route proceedings (§ 302.18(a–2)) and applications for exemption for route authority (§ 302.402(c)). Rule 1404 will accordingly be revised.

We will reject National's request that the rule permit the defending carrier to introduce additional rebuttal evidence at the hearing if the defending carrier so desires. Rule 1412 provides for rebuttal evidence if the examiner finds such additional evidence is necessary in order to assure a party a fair hearing. National's request would be an impediment to expedition and is unnecessary to insure a party a fair hearing.

10. A number of carriers and the Tampa Bay parties request that certain procedural time limits be extended.[11] Experience with Subpart M does show that

[8] In addition, Denver proposes that the period be increased to a 20 percent average for 24 months and Kansas City suggests the following modification: "that the applicant has carried 20 percent or more in any one of the last 5 years or an average of 15 percent or more for the last 3 years of the single carrier passengers * * *". We shall not adopt either suggestion. The 12-month period appears to have general acceptance in the industry and is more indicative of present service needs and deficiencies.

[9] Since single carrier service in any significant market would be offered in both directions, we consider it unnecessary to specify that it be so provided.

[10] "True O&D" passengers, as represented in the Board's O&D surveys, are passengers originating at one of the two points in a given market and destined to the other. It includes all O&D passengers whether transported by a single carrier or by two or more carriers via an intermediate connection or connections. The competition surveys, on the other hand, include only single carrier O&D passengers plus single carrier connecting passengers transported from or to a behind or beyond point.

[11] The Department of Transportation has requested that it be included in the list of persons to be served under Rule 1407. In recognition of the fact that persons served under Rule 1407 are entitled to party status automatically, the mandatory service list is confined to those persons who have a direct and substantial interest in the proceeding entitling them to intervention. Since cases arising under Subpart N would not necessarily involve congested airports, the only ground cited by the Department for its interest in these proceedings, it is believed more appropriate that the Department's status in any proceeding be determined on the basis of an individual petition for intervention. For this reason, the proposed modification of Rule 1407 is not believed to be appropriate.

certain of these periods should be lengthened.[12] Otherwise, we find that no compelling showing has been made for extending time limits, and the Board retains the power to grant extensions of time to assure fair treatment in unusual circumstances.

We find, therefore, that only the following provisions should be revised to extend the time limits proposed:

Rule 1405(b)—Statements requesting dismissal: From 7 calendar days to 10 days.[13]
Rule 1408(b)—Petitions to intervene: From 7 calendar days to 10 days. Answers: From 5 calendar days to 10 days.
Rule 1409(b)—Answers to motions to consolidate: From 15 days to 25 days.
Rule 1410—Replies to answers: From 7 days to 10 days.
Rule 1415(d)—Answers to petitions for reconsideration: From 7 calendar days to 10 days.

Accordingly, the Civil Aeronautics Board hereby amends Part 302 of its Procedural Regulations (14 CFR Part 302) effective March 1, 1969, as follows:

1. Amend the table of contents of Part 302 by adding a new Subpart N, the title of which reads as follows:

Subpart N—Expedited Procedures for Modifying or Removing Nonstop and Long-Haul Restrictions Contained in Certificates of Public Convenience and Necessity of Trunkline Air Carriers

Sec.
302.1401 Applicability.
302.1402 Subpart A governs.
302.1403 Filing of application.
302.1404 Contents of application.
302.1405 Preliminary procedures; summary dimissal of application.
302.1406 Answers to application.
302.1407 Service of application and answer.
302.1408 Intervention.
302.1409 Motions to consolidate.
302.1410 Reply to answers.
320.1411 Procedures after filing of answers and reply.
302.1412 Hearing.
302.1413 Briefs to the examiners.
302.1414 Examiner's initial decision.
302.1415 Subsequent procedures.

AUTHORITY: The provisions of this Subpart N issued under secs. 204(a), 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; and secs. 3 and 4, Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 553.

2. Adopt a new Subpart N which will read as follows:

Subpart N—Expedited Procedures for Modifying or Removing Nonstop and Long-Haul Restrictions Contained in Certificates of Public Convenience and Necessity of Trunkline Air Carriers

§ 302.1401 Applicability.

This subpart sets forth the special rules applicable to proceedings on applications for amendment of certificates of public convenience and necessity of trunkline carriers to remove or modify provisions which restrict the authority of the holder to provide service between a specified pair of certificated points within the 48 contiguous States, by requiring that one or more intermediate stops be made, or that the flight serving such pair of points originate and/or terminate at a point or points beyond the specified pair of points. Application of this subpart is further limited to cases where (a) the applicant is already providing single carrier service; (b) the applicant is carrying 20 percent or more of the passengers transported between those points as shown in the Board's competition surveys; (c) the new authority requested is not directly in issue in a pending proceeding and (d) it does not appear that the grant of the application will increase significantly the subsidy needs of any subsidized carrier. For the purposes of this section "pending proceeding" shall mean a proceeding instituted by the Board by an order of investigation or in which an order or notice setting an application for hearing has been entered.

§ 302.1402 Subpart A governs.

Except as otherwise provided herein, the provisions of Subpart A of this part are applicable.

§ 302.1403 Filing of application.

Any carrier may file an application for amendment of its certificate as described in § 302.1401. If the applicant desires the Board to process the application pursuant to the expedited procedure provided by this subpart, the application should clearly so state. Applications shall be served as provided in § 302.1407.

§ 302.1404 Contents of application.

The application shall set forth all the facts upon which the applicant relies to show that the public convenience and necessity require the relief sought, and that the applicant has carried an average of 20 percent or more of the passengers transported between the subject pair of points, as shown in the Board's competition surveys,[14] in the four successive calendar quarters for the latest period for which such data are available, except that more recent data may be used if available to the applicant. The application shall set forth the names of the parties served as required by § 302.1407 and shall contain at least the following economic and operating data on an annual basis sufficiently documented to show the basis for the estimates and permit reconstruction of the estimates from the basic data:

(a) Present and proposed schedules, by type of aircraft;

(b) Number of departures, plane-miles, passengers, and passenger-miles;

(c) Estimate of self-diversion and diversion from other carriers, if applicable;

(d) Anticipated operating revenues; and

(e) Estimate of impact of proposal on operating expenses.

§ 302.1405 Preliminary procedures; summary dismissal of application.

(a) Upon consideration of any application filed under § 302.1403 and any statement filed pursuant to paragraph (b) of this section, the Board shall issue an order either (1) providing for further proceedings pursuant to §§ 302.1406–302.1410, or (2) dismissing the application without prejudice to the refiling thereof under the normal certificate procedure, if the Board finds that the application is not in compliance with, or is inappropriate for processing under, the provisions of this subpart.

(b) Any interested person may, within 10 days after the filing of an application under § 302.1403, file and serve upon the applicant a statement requesting the Board to exercise its discretion to dismiss the application without further procedures in accordance with paragraph (a) of this section.

§ 302.1406 Answers to application.

(a) Any interested person may file and serve an answer with the Docket Section of the Board in opposition to or in support of an application. Answers shall set forth the economic data and other facts upon which the party relies to support its position including proof of significant subsidy need increases for subsidized carriers. Such answers shall be filed and served within 25 days after service of a Board order providing for further proceedings pursuant to §§ 302.1406–302.1410.

(b) Failure of a person to file an answer within the time specified in this section shall be considered as a waiver by such person of the right to a hearing on the application and all other procedural steps short of a final decision of the Board in the proceeding. Failure to request a hearing in an answer filed pursuant to this section shall be deemed to be a waiver of the right to a hearing on the application and all other procedural steps short of final Board decision.

§ 302.1407 Service of application and answer.

(a) *Persons to be served.* A copy of an application or an answer shall be served on (1) any certificated air carrier which is authorized to engage in individually ticketed or waybilled air transportation at each of the points with respect to which the applicant seeks improved authority; (2) the chief executive of any State of the United States in which any point which is involved in the application is located: *Provided, however,* That if there be a State commission or agency having jurisdiction over transportation by air, the application shall be served on such commission or agency rather than the chief executive of the State; and (3) the chief executive of the city, town, or other unit of local government at each of the points located in the United States with respect to which the applicant seeks improved authority, as well as each certificated point which has during the 12-month period preceding the filing of an application received regularly scheduled

[12] Accordingly, we are concurrently issuing parallel amendments to Subpart M.

[13] NOTE: Where a 10-day period is specified, Saturdays, Sundays, and holidays are not excluded from the computation, as provided under Rule 16.

[14] "Competition Among Domestic Air Carriers."

service on a flight subject to the restriction sought to be removed or modified.

(b) *Additional service of notice.* The Board may, in its discretion, order additional service on such person or persons as the facts of the situation warrant.

§ 302.1408 Intervention.

(a) *Persons served.* A person who is served pursuant to § 302.1407 of this subpart with a copy of an original application and who files an answer to such application will automatically become a party to the proceeding without the necessity of filing a petition for intervention. A person who is so served and who does not file an answer is not entitled to seek intervention under the provisions of paragraph (b) of this section.

(b) *Persons not served.* A person who is not served pursuant to § 302.1407 with a copy of an original application may petition for intervention not later than 10 days after service of the Board's order of hearing. Answers to such petition shall be filed within 10 days after the petition is filed.

§ 302.1409 Motions to consolidate.

(a) Motions to consolidate for hearing other applications shall be filed within the time limits specified by § 302.1406 for filing of answers. Motions to consolidate which request different authority from that requested in the original application with which consolidation is sought shall be denied, except where consolidation is required by law. Motions to consolidate shall include economic data and other facts in support of both the motion to consolidate and the application sought to be consolidated. Data in support of the application sought to be consolidated shall conform, to the extent applicable, to the provisions of § 302.1404 with respect to original applications, except that applications by local service carriers shall also include the estimated effect on the applicant's subsidy need for each of the succeeding two years. Such motions shall be served upon the persons specified in § 302.1407.

(b) Answers to motions to consolidate shall be filed within 25 days after service of the motion. Such answers shall (1) set forth the basis of the support of or opposition to the motion to consolidate, and (2) with respect to the merits of the application for route authority, set forth the type of data required by § 302.1406 for answers to an original application.

§ 302.1410 Reply to answers.

Replies to answers may be filed and served within 10 days after service of an answer to an original application or an answer to a motion to consolidate, as the case may be.

§ 302.1411 Procedures after filing of answers and reply.

After the time for filing a reply or replies has expired, the Board shall issue an order setting the matter for hearing or denying the application without prejudice to refiling the application under normal certificate procedure, or taking other appropriate action. Such order shall be published in the FEDERAL REGISTER. The Board shall also dispose of motions to consolidate filed pursuant to § 302.1409. Except where the Board issues a final order disposing of an application on the pleadings, petitions for reconsideration of these Board actions shall not be entertained.

§ 302.1412 Hearing.

If the Board determines, pursuant to § 302.1411, that a hearing should be held, the application or applications shall be set promptly for hearing in Washington, D.C., before an examiner of the Board. No prehearing conference shall be held. The issues shall be restricted to the relief requested in the application or applications. Unless the examiner finds that additional evidence is necessary in order to assure a party a fair hearing, the hearing shall be limited to (a) introduction into evidence of the application, answer and reply, and the motion to consolidate and related pleadings, and (b) oral testimony on cross-examination of any witness sponsoring such application, answer or reply or motion to consolidate or related pleadings.

§ 302.1413 Briefs to the examiner.

Briefs to the examiner shall be filed not more than 10 days following the close of the hearing, unless the examiner determines that briefs are not necessary under the circumstances of the case.

§ 302.1414 Examiner's initial decision.

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1415 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 15 days after service thereof; and

(b) Where a petition for discretionary review is timely filed or action to review is taken by the Board upon its own initiative, the effectiveness of the initial decision is stayed until the further order of the Board.

§ 302.1415 Subsequent procedures.

Except for the following, the provisions of §§ 302.28 to 302.33 and 302.36 and 302.37 shall be applicable:

(a) Any party may file and serve a petition for discretionary review by the Board of an initial decision within 10 days after service thereof;

(b) Within 10 days after service of a petition for discretionary review, any party may file and serve an answer in support of or in opposition to the petition;

(c) Within 10 days after date of the order granting discretionary review, any party may file a brief to the Board;

(d) A petition for reconsideration of any order shall be filed within 10 days after service thereof, and an answer in support of or in opposition to such petition shall be filed within 10 days after the petition is filed.

(Secs. 204(a), 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; secs. 3, 4, Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552, 553)

NOTE: This is Amendment No. 24 to Part 302 effective December 19, 1962.

By the Civil Aeronautics Board.[14]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-1193; Filed, Jan. 28, 1969; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 245—GUIDES FOR THE WATCH INDUSTRY

Extension of Effective Date of Certain Provisions

The Commission has extended the effective date of the labeling provisions of § 245.3 *Misrepresentation of metallic composition of watchcases and certain watch bands* and § 245.5 *Misrepresentation of protective features* of the Guides for the Watch Industry to September 30, 1969.

Approved: January 16, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-1175; Filed, Jan. 28, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-41]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Merchandise From France

The Bureau has determined that effective February 1, 1969, no bounties or grants within the purview of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) are being, or are likely to be, paid or bestowed under the provision of French Decree 68-581, as amended, on merchandise exported from France.

Treasury Decisions 68-192 and 68-270 are hereby superseded with respect to merchandise exported from France on and after February 1, 1969.

The table in § 16.24(f) of the Customs Regulations is amended by inserting the number of this Treasury decision immediately following the number 68-270 in the column headed "Treasury Decision" and the words "Discontinued as to merchandise exported from France on

[14] Comments of Members Gillilland and Minetti filed as part of the original document.

and after February 1, 1969," in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: January 24, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 69-1178; Filed, Jan. 28, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

Three petitions (PP 8FO671, 8FO677, 8FO681) were filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of tolerances for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodities: Corn fodder or forage from field corn, sweet corn, and popcorn at 10 parts per million; the commodity group leafy vegetables at 0.2 part per million (negligible residue); and corn grain (including popcorn) and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million (negligible residue).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petitions and other relevant material, the Commissioner of Food and Drugs concludes that:

1. There is no reasonable expectancy of residues of the insecticide in meat, milk, eggs, or poultry. This use has been classified under § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of pesticides a new item, as follows:

§ 120.3 **Tolerances for related pesticide chemicals.**

* * * * *

(e) * * *
(5) * * *

Methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate).

* * * * *

2. A new section is added to Subpart C as follows:

§ 120.253 **Methomyl; tolerances for residues.**

Tolerances are established for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on raw agricutural commodities as follows:

10 parts per million in or on corn fodder or forage (including field corn, sweet corn, and popcorn).

0.2 part per million (negligible residue) in or on the commodity group leafy vegetables.

0.1 part per million (negligible residue) in or on corn grain (including popcorn), fresh corn including sweet corn (kernels plus cob with husk removed).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1198; Filed, Jan. 28, 1969; 8:50, a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

p-Chlorophenyl-2,4,5-Trichlorophenyl Sulfide

A petition (PP 9F0747) was filed with the Food and Drug Administration by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the insecticide *p*-chlorophenyl-2,4,5-trichlorophenyl sulfide in or on the raw argricultural commodity apples.

The Scretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(4) is amended by alphabetically inserting in the list of chlorinated organic pesticides a new item, as follows:

§ 120.3 **Tolerances for related pesticide chemicals.**

* * * * *

(e) * * *
(4) * * *

p-Chlorophenyl-2,4,5-trichlorophenyl sulfide.

2. The following new section is added to Subpart C:

§ 120.256 ***p*-Chlorophenyl-2,4,5-trichlorophenyl sulfide; tolerances for residues.**

A tolerance of 0.1 part per million is established for negligible residues of the insecticide *p*-chlorophenyl-2,4,5-trichlorophenyl sulfide in or on the raw agricultural commodity apples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1197; Filed, Jan. 28, 1969; 8:50 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiram

A petition (PP 9F0758) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing that § 120.132 be amended to permit preharvest (the regulation presently permits postharvest) application of thiram in the production of bananas. No change is proposed in the tolerance level of 7 parts per million or the limitation that not more than 1 part per million shall be in the pulp after peel is removed and discarded.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes provided for by the regulation as amended herein.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance as changed by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.132 is amended by changing the last paragraph to read as follows:

§ 120.132 Thiram; tolerances for residues.

* * * * *

7 parts per million in or bananas (from preharvest and postharvest application) of which not more than 1 part per million shall be in the pulp after peel is removed and discarded.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 14, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1200; Filed, Jan. 28, 1969; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2354) filed by Wyandotte Chemicals Corp., Wyandotte, Mich. 48192, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional substance, identified below, as a reactant in the preparation of polyurethane resins for use in contact with dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2522(a)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(2) List of substances:

* * * * *

α,α',α'',α'''-Neopentanetetrayltetrakis[*omega*-hydroxypoly (oxypropylene) (1-2 moles)], average molecular weight 400.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 15, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1199; Filed, Jan. 28, 1969; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tablets

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 141c.207(b) and § 146c.207(a) are revised to read as follows to provide for a maximum moisture content of 6.0 percent for the subject tablets within specified conditions:

§ 141c.207 Chlortetracycline tablets (chlortetracycline hydrochloride tablets); tetracycline hydrochloride tablets; tetracycline tablets.

* * * * *

(b) *Moisture.* Proceed as directed in § 141.501(b) or § 141.502 of this chapter except that, if it is tetracycline hydrochloride tablets veterinary and stability data have been submitted to prove that the drug is stable when it contains not more that 6.0 percent moisture, use the method described by § 141.502 of this chapter and proceed as directed in § 141.502(e)(3) of this chapter.

§ 146c.207 Chlortetracycline hydrochloride tablets; tetracycline hydrochloride tablets; tetracycline tablets.

(a) Chlortetracycline hydrochloride tablets, tetracycline hydrochloride tablets, and tetracycline tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.204 for chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, and tetracycline capsules, except that the average moisture content of the tablets is not more than 3.0 percent, unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content not exceeding 6.0 percent. In addition to the requirements prescribed by § 146c.204, tablets not exceeding 15 millimeters in diameter, or not

intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.

* * * * *

Since the change provided for by this order cannot be applied to any specific product unless its manufacturer has supplied adequate data regarding that article, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1201; Filed, Jan. 28, 1969; 8:51 a.m.]

Title 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Transportation

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Public Hearings and Location and Design Approval; Correction

In F.R. Doc. 69-621, appearing at page 727 of the issue for Friday, January 17, 1969, the last two paragraphs in "Item 10—Location and design approval," on page 730 which are now designated "d" and "e", should be designated "e" and "f".

DOWELL H. ANDERS,
Deputy Chief Counsel.

[F.R. Doc. 69-1176; Filed, Jan. 28, 1969; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6998]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Allocation of Income and Deductions Among Taxpayers; Correction

On January 22, 1969, T.D. 6998 was published in the FEDERAL REGISTER (34 F.R. 933). The word "paragraph" appearing on the 22d line in paragraph (b)(3) of § 1.482-2 of the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 6998, should have been "subparagraph". Accordingly, replace the word "paragraph" with the word "subparagraph".

[SEAL] JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 69-1180; Filed, Jan. 28, 1969; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-157]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

MARBLEHEAD HARBOR, MASS.

1. The Special Anchorage Area established in Marblehead Harbor, Marblehead, Mass., in 33 CFR 110.26, was published in the FEDERAL REGISTER of September 5, 1968 (33 F.R. 12550). It was intended to encompass the entire harbor area. Therefore, the bearing and coordinates are changed from 302° from Marblehead Neck Light to a point on Peach Point at latitude 42°30'31", longitude 70°50'28.5"; to read 336° and latitude 42°31'03", longitude 70°50'30".

2. By the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), the text of § 110.26 is amended to reflect the above correction and reads as follows:

§ 110.26 Marblehead Harbor, Marblehead, Mass.

The area comprises that portion of the harbor lying between the extreme low water line and southwestward of a line bearing 336° from Marblehead Neck Light to a point on Peach Point at latitude 42°31'03", longitude 70°50'30".

* * * * *

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: January 21, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-1147; Filed, Jan. 28, 1969; 8:46 a.m.]

[CGFR 68-164]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

STONINGTON HARBOR, STONINGTON, CONN.

1. The Stonington Waterfront Commission, town of Stonington, Conn., by letter dated June 12, 1968, requested a change in the existing special anchorage area in Stonington Harbor, and the establishment of two additional special anchorage areas in Stonington Harbor, Stonington, Conn. A public notice dated August 29, 1968, was issued by the Commander, 3d Coast Guard District, New York, N.Y., describing the proposed anchorages. All known interested parties were notified, and some minor objections were received. These objections have been resolved. Therefore, the request is granted and the change in the existing special anchorage area, and the establishment of two additional special anchorage areas as described in 33 CFR 110.50 (a), (b), and (c) below is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to amend the description of the existing special anchorage area and to establish and describe the two additional special anchorage areas in Stonington Harbor, Stonington, Conn., as described in 33 CFR 110.50 (a), (b), and (c) below, wherein vessels not more than 63 feet in length, when at anchor in such special anchorage areas, are not required to carry or exhibit anchor lights. The area is principally for use by yachts and other recreational craft. Fixed mooring piles or stakes are prohibited. The General Statutes of the State of Connecticut authorizes the Harbor Master of Stonington to station and control a vessel in the harbor.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR 110 is amended as follows, to become effective on and after date of publication of this document in the FEDERAL REGISTER.

Part 110 is amended by revising § 110.50 to read as follows:

§ 110.50 Stonington Harbor, Conn.

(a) *Area No. 1.* Beginning at the southeastern tip of Wamphassuc Point; thence to the northwesterly end of Stonington Inner Breakwater; thence along the breakwater to longitude 71°54'50.5"; thence to latitude 41°20'25.3", longitude 71°54'50.5"; thence to a point on the shoreline at latitude 41°20'32", longitude 71°54'54.8"; thence along the shoreline to the point of beginning.

(b) *Area No. 2.* Beginning at a point on the shoreline at latitude 41°19'55.8", longitude 71°54'28.9"; thence to latitude 41°19'55.8", longitude 71°54'37.1"; thence to latitude 41°20'01.6", longitude 71°54'38.8"; thence to a point on the shoreline at latitude 41°20'02", longitude 71°54'34.3"; thence along the shoreline to the point of beginning.

(c) *Area No. 3.* Beginning at a point on the shoreline at latitude 41°20'29.5", longitude 71°54'43"; thence to latitude 41°20'25.6", longitude 71°54'48.5"; thence to latitude 41°20'10.7", longitude 71°54'48.5"; thence to the shoreline at latitude 41°20'10.7"; thence along the shoreline to the point of beginning.

NOTE: A fixed mooring stake or pile is prohibited. The General Statutes of the State of Connecticut authorizes the Harbor Master of Stonington to station and control a vessel in the harbor.

(R.S. 4233, as amended, 28 Stat. 647, as amended, 30 Stat. 98, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 180, 258, 322; 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: January 21, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-1149; Filed, Jan. 28, 1969; 8:46 a.m.]

[CGFR 68-150]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

NEW YORK HARBOR, N.Y.

1. The Commander, 3d Coast Guard District, New York, N.Y., by letter dated September 25, 1968, has recommended the disestablishment of Explosive Anchorage No. 49–B, within General Anchorage No. 20A, Upper Bay, New York Harbor, and Explosive Anchorage No. 49–D, within General Anchorage No. 47, in Raritan Bay, New York Harbor. The reason for the request was the shallow depth of the anchorages and the lack of usage. A public notice dated August 15, 1968, was issued by the Commander, 3d Coast Guard District, New York, N.Y., describing these anchorages and citing the reason for discontinuance. All known interested parties were notified and no objections were received. Therefore, the request is granted and Explosive Anchorage No. 49–B, Upper Bay, New York Harbor, and Explosive Anchorage No. 49–D, Raritan Bay, New York Harbor, as described in 33 CFR 110.155 (m)(1) and (m)(3) are disestablished, and Anchorage No. 49–C (naval and military anchorage), Anchorage No. 49–F emergency naval anchorage), and Anchorage No. 49–G (naval anchorage), as described in 33 CFR 110.155 (m)(2), (m)(4), and (m)(5), are redesignated; subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. The purpose of this document is to discontinue Explosive Anchorage No. 49–B and Explosive Anchorage No. 49–D, New York Harbor, as described in 33 CFR 110.155 (m)(1) and (m)(3) and to redesignate Anchorage No. 49–C (naval and military anchorage), Anchorage No. 49–F (emergency naval anchorage), and Anchorage No. 49–G (naval anchorage), as described in 33 CFR 110.155(m)(1), (2), and (3) below.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 432 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), 33 CFR is amended as follows, to become effective on and after publication of this document in the FEDERAL REGISTER:

Section 110.155 is amended as follows: Paragraphs (m)(1) and (3) are deleted, and paragraphs (m)(2), (4), and (5) are redesignated; and paragraph (n)(1) is amended. As amended, § 110.155 (m) and (n) read as follows:

§ 110.155 Port of New York.

* * * * *

(m) *Anchorages for vessels carrying explosives*—(1) *Anchorage No. 49–C (naval and military anchorage).* In Gravesend Bay, north of a line bearing 260°30′ from latitude 40°34′58″, longitude 74°01′20″, to latitude 40°34′54″, longitude 74°01′49″, and ranging through the stack on Hoffman Island; east of a line bearing 342° from the last-mentioned point to latitude 40°35′59″, longitude 74°02′17″; south of a line bearing 096° from the last-mentioned point to latitude 40°35′56″, longitude 74°01′45″; and west of a line bearing 343° from the last-mentioned point to latitude 40°34′58″, longitude 74°01′20″, and passing through Fort Hamilton Southwest Buoy 20.

(i) The Captain of the Port may permit the anchorage of commercial vessels in the southerly part of the area south of a line bearing 252° from the flagpole in the vicinity of Bay Parkway, Brooklyn, when use of the anchorage by naval or military vessels will permit. Any commercial vessel so moored as to obstruct the use of the area for the anchorage of naval or military vessels may be required by the Captain of the Port to shift its position or clear the area when found necessary, at its own expense.

(ii) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are moored in the area for the purpose of loading or unloading explosives display a red flag by day or a red light by night, unless special permission is granted by the Captain of the Port.

(iii) Vessels carrying high explosives in this anchorage shall not anchor closer than 400 yards to one another, but the number of vessels which may anchor in the area at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside ships for the transfer of cargoes.

(iv) Vessels carrying high explosives shall not occupy this anchorage for a period of time longer than is necessary to receive or discharge such cargoes, or between sunset and sunrise except by special permit from the Captain of the Port in cases of great emergency.

(v) Barges and lighters loaded with explosives may anchor in the easterly portion of this area provided such barges and lighters are anchored so as not to approach one another closer than 300 feet. The Captain of the Port may authorize the placing of moorings in the easterly portion of the area and the making fast thereto of not to exceed three barges or lighters at each mooring, provided these moorings are so spaced that the vessels at one mooring shall at all times be not less than 300 feet from the vessels at an adjacent mooring.

(2) *Anchorage No. 49–F (emergency naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30′, 2,050 yards from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 080°, 500 yards, to the point of beginning.

(i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(3) *Anchorage No. 49–G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208°, 1,350 yards, from a point bearing 292°30′, 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 107°, 1,150 yards, to the point of beginning.

(i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or a red light by night.

(n) *Regulations for explosive anchorages.* (1) Anchorages Nos. 49–C, 49–F, and 49–G are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (6) of this paragraph.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: January 21, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-1148; Filed, Jan. 28, 1969; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The regulations of the Post Office Department are amended as follows:

PART 222—RATES AND CONDITIONS FOR SPECIFIC CLASSES

§ 222.4 [Amended]

I. In § 222.4 *Printed matter,* the following changes are made:

a. Add the following to subdivision (i) of paragraph (a)(2), *Airmail:* "To Canada the letter rate of 10 cents per ounce applies."

NOTE: The corresponding Postal Manual section is 222.412a.

b. In paragraph (b)(1) amend the table of countries by striking out Fernando Po and Rio Muni.

NOTE: The corresponding Postal Manual section is 222.421.

c. Amend subdivision (i) of paragraph (d) (2) to read as follows, in order to show that recordings exchanged between students are admitted as printed matter:

(i) Communications (including those in the form of sound recordings) exchange between students in schools, provided they are sent through the intermediary of the heads of the schools.

NOTE: The corresponding Postal Manual section is 222.442a.

d. In paragraph (d) (3) amend subdivision (vii) to read as follows:

(vii) Phonograph records and other types of sound recordings, except under the conditions prescribed in subparagraph (2) (i) of this paragraph; also perforated papers intended to be used on automatic musical instruments.

NOTE: The corresponding Postal Manual section is 222.443g.

e. Subdivision (i) of paragraph (d) (5) is amended to read as follows, to show that an invoice mailed separately from an article is subject to the letter rate of postage:

(i) An open invoice covering the article sent, reduced to its essential terms. There may be enclosed with books a printed circular relating to the accompanying book or containing announcements of other books, and an order form. An invoice mailed separately is subject to the letter rate of postage.

NOTE: The corresponding Postal Manual section is 222.445a.

f. In paragraph (e) the following changes are made:

1. Under subparagraph (1) *Wrapping and closing,* amend subdivisions (i) and (ii) to read as set out below.

NOTE: These amendments specify that prints in the form of cards must conform to the dimensions of post cards; and reflect (subdivision (ii) amendment) the discontinuance on November 1, 1968, of computing postage on individually addressed copies of second-class publications for Canada on the basis of weight of bundles.

(i) Prints of the shape and consistency of a card, which may be mailed unfolded or folded only once, may be mailed without wrapper, envelope, or fastener. These cards, including each half of folded cards must conform to the dimensions of post cards (see § 222.2(b)).

(ii) Single copies of second-class or controlled circulation publications mailed by publishers and addressed for delivery in Canada need not be enclosed in envelopes or wrappers when they are included in bundles as provided in subparagraph (4) (iii) of this paragraph. Copies for all other countries, even when tied in bundles, must be enclosed in envelopes or wrappers.

2. Under subparagraph (1) also amend subdivision (iii) by inserting Belgium immediately before Great Britain.

3. Add subdivision (v) to subparagraph (1), reading as follows, to show that the mailing of printed matter in padded envelopes closed by staples is permitted:

(v) Padded envelopes closed by means of staples are accepted at the risk of the sender. These may be closed with one, two, or three staples, depending upon the size of the envelopes.

NOTE: The corresponding Postal Manual section is 222.451.

4. In subparagraph (2) add the following to subdivision (iv), so as to require certain imprints on publications mailed to other countries while application for second-class or controlled circulation privilege is pending: "Use imprints prescribed in §§ 132.2(e) (8) and 133.3(g) of this chapter for mailings made pursuant to subparagraph (3) (iii) of this paragraph. See subparagraph (4) (ii) of this paragraph concerning special provisions applicable to bundled mailings to Canada."

NOTE: The corresponding Postal Manual section is 222.452d.

5. Under subparagraph (3) amend subdivision (iii) to read as follows, relating to postage on international mailings of publications:

(iii) Accept deposits of money to cover postage at regular printed matter rates on mailings of publications for which application for second-class or controlled circulation privilege is pending. When application is approved, adjust postage charges on reported mailings based on rates stated in paragraph (a) (1) (iii) and (iv) of this section and according to general procedure in §§ 132.3(b) and 133.2(c) of this chapter.

NOTE: The corresponding Postal Manual section is 222.453c.

6. In subparagraph (3) delete subdivision (v).

7. Under subparagraph (4) *Mailing,* add the following to subdivision (ii): "When there is a sufficient quantity of copies for one city to fill approximately one third of a sack the publisher shall insert the prepared bundles for that city in a sack appropriately labeled to identify the city and country of destination."

NOTE: The corresponding Postal Manual section is 222.454(b).

8. In subparagraph (4) amend subdivision (iii) to read as follows:

(iii) Canada only: Single copies addressed for delivery in Canada that are not enclosed in wrappers or envelopes, as permitted in subparagraph (1) (ii) of this paragraph, must be included in bundles protected with sections or cardboard, fiberboard, or other protective covering that will prevent the copies from being damaged in transit. The labels on these protected bundles must bear the notation "Open and Distribute" and the words "Second-class postage paid at _____ or Controlled circulation postage paid at _____."

NOTE: The corresponding Postal Manual section is 222.454(iii).

g. Paragraph (f), *Direct sacks of prints* (inadvertently presently designated as paragraph (e)), is amended to read as set out below.

NOTE: The purpose of this amendment is to provide that second-class or controlled circulation imprints may be used instead of stamps when publishers or news agents prepare direct sacks of publication for one addressee and pay the postage in cash or from money on deposit with the postmaster.

(f) *Direct sacks to one addressee.* (1) Ordinary (unregistered) printed matter being mailed in quantity to one addressee may be transmitted in direct sacks (except to Ethiopia) if the sender complies with the following conditions:

(i) The minimum amount that may be mailed in a direct sack (by either surface or air) is 30 pounds; the maximum is 66 pounds (sack and contents). The size limits prescribed in paragraphs (b) and (c) of this section do not apply.

(ii) Obtain sacks from local post office, which will furnish airmail sacks, if available, when material is to be sent by airmail.

(iii) Place printed matter in one or more individual, unsealed packages bearing the name and address of sender and addressee. Mark each package "Postage Paid."

(iv) Attach to the neck of the sack a tie-on tag bearing the name and address of sender and addressee. The tag must be of substantial quality, with reinforced eyelets to prevent it from being torn off, and of such size as to permit the stamps in payment of the postage to be placed on it. Use heavy twine to tie on the tag. When sending several sacks for the same addressee, mark tag with an identifying fractional number, for example 1/3, 2/3 and 3/3, if the shipment consists of three sacks.

(2) Postage is calculated only on the weight of the contents of the sacks, and is paid by means of postage stamps or meter stamps affixed to the address tag. If a publisher or registered news agent prepares a direct sack of second-class or controlled circulation copies for one addressee and desires to pay the postage in cash or from money on deposit with the postmaster, the postage computation will be made on the basis of report on Form 3542. The address tag attached to the neck of the sack must then bear the second-class or controlled circulation imprint instead of stamps.

(3) The post office will label the sack with the name of the country of destination in large letters and the name of the U.S. dispatching exchange office in small letters (for example "GREAT BRITAIN—via New York") and send it to the exchange office for dispatch to destination.

NOTE: The corresponding Postal Manual section is 222.46.

II. Section 222.5 *Matter for the blind,* is revised in order to update and clarify instructions on mailing matter for the blind to other countries.

§ 222.5 Matter for the blind.

(a) *Rates*—(1) *Surface.* Items mailable internationally as Matter for the Blind (see paragraph (d) (1) of this section) are accepted as surface mail free of postage.

(2) *Airmail.* Items mailable internationally as Matter for the Blind are accepted at AO (other articles) air rates. The rates are shown in § 222.4(a)(2) and under the country items in Directory of International Mail.

(3) *Nonconforming matter.* Items not acceptable as Matter for the Blind, pursuant to paragraph (b), (c), or (d) of this section are subject to regular international rates of postage.

(b) *Weight limit.* Weight limit is 15 pounds 6 ounces.

(c) *Dimensions.* Maximum and minimum dimensions are the same as for letters and letter-packages. See § 222.1(c).

(d) *Description.* (1) The following are acceptable in international mail as Matter for the Blind:

(i) Books, periodicals, and other matter, including unsealed letters, impressed in Braille or other special type for the use of the blind.

(ii) Plates for embossing blind literature.

(iii) Discs, tapes, or wires bearing voice recordings and special paper intended solely for the use of the blind, provided they are sent by or addressed to an officially recognized institution for the blind.

(2) Although various additional articles are admitted in domestic mail free of postage, pursuant to Part 138 of this chapter, the only articles admitted in international mail as "Matter for the Blind" are those indicated in subparagraph (1) of this paragraph.

(e) *Preparation and marking.* Articles must be in unsealed envelopes or wrappers prepared so as to permit easy examination. The word "free" must be placed in the upper right corner, immediately above the words "Matter for the Blind," on surface mail accepted free of postage. On airmail accepted at AO air rates the words "Matter for the Blind" must be placed in the upper right corner near the stamps. The name of the officially recognized institution for the blind must appear in the return address or in the address of matter mentioned in paragraph (d)(1)(iii) of this section.

NOTE: The corresponding Postal Manual section is 222.5.

PART 223—TREATMENT OF OUTGOING POSTAL UNION MAIL

I. In § 223.3 *Improperly prepared,* paragraph (b) is amended to read as follows:

§ 223.3 Improperly prepared.

* * * * *

(b) *Oversized cards.* Post offices will return oversized cards (those exceeding 6 x 4¼ inches) to senders, if known, unless they are paid at letter rates. If sender is not known, dispatch oversized cards as letter mail.

* * * * *

NOTE: The corresponding Postal Manual section is 223.32.

§ 223.4 [Amended]

II. In § 223.4 *Forwarding,* the following changes are made:

a. Under paragraph (b) add the following to subparagraph (1): "Surface letters and cards will be forwarded by air if the difference between the domestic postage and the international airmail rate has been added on the letter or card."

NOTE: The corresponding Postal Manual section is 223.421.

b. In paragraph (c), subparagraph (1), the endorsement appearing under subdivision (i) is amended to read as follows:

This envelope contains prepaid letters forwarded in bulk by authority of Assistant Postmaster General, Bureau of Operations. Any required additional international postage has been affixed to the articles enclosed.

NOTE: The corresponding Postal Manual section is 223.431a.

§ 223.5 [Amended]

III. The caption of § 223.5 is changed from *Return* to *Return to United States.*

PART 224—TREATMENT OF INCOMING POSTAL UNION MAIL

§ 224.1 [Amended]

I. In § 224.1 *Charges,* paragraph (f)(2) is amended to read as follows in order to correct an error:

(2) On returned second-class publications mailed to Canada by publishers or registered news agents, 5 cents for the first 2 ounces and 1 cent for each additional ounce.

NOTE: The corresponding Postal Manual section is 224.16b.

II. In § 224.4 *Undeliverable articles,* make the following changes:

a. Under paragraph (a) *Retention period,* redesignate subparagraph (3) as subparagraph (4); and insert new subparagraph (3), reading as follows:

(3) Articles on which the addressee has protested the rate or amount of duty assessed, pursuant to § 261.5(d)(7)(ii) of this chapter.

NOTE: The corresponding Postal Manual section is 224.41c.

b. In paragraph (d) amend that part of the paragraph preceding subparagraph (1) to read as follows:

(d) *Disposal.* Dispatch undeliverable mail by surface means (including airmail articles, after crossing out Par Avion label or endorsement) to the appropriate exchange office for return to the country of origin, except the following:

NOTE: The corresponding Postal Manual section is 224.44.

c. Paragraph (f) *Storage charges,* is amended for clarification to read as follows:

(f) *Storage charges.* Storage charges due on postal union articles are canceled if the articles are returned to origin or forwarded to another country. See § 232.5(b)(4) of this chapter concerning marking of parcel post on which storage charges are due.

d. New paragraph (g) is added, reading as follows:

(g) *Dutiable mail.* Dispose of customs mail entry forms as prescribed in § 261.5(i).

NOTE: The corresponding Postal Manual sections are 224.46 and .47.

PART 242—REGISTRATION

§ 242.6 [Amended]

I. In § 242.6 *Restricted delivery,* the listing of countries under paragraph (a)(1) is amended by striking out Saudi Arabia.

NOTE: The corresponding Postal Manual section is 242.611.

II. In § 242.7 *Post Office processing of outgoing mail,* paragraph (a)(3) is amended to read as follows, in order to change a $400 reference point to $100:

§ 242.7 Post Office processing of outgoing mail.

(a) * * *

(3) *Special marking on valuable mail.* Add the letter X after the registry number of all articles with a declared value in excess of $100 (see § 242.2(c)).

* * * * *

NOTE: The corresponding Postal Manual section is 242.713.

PART 246—SPECIAL HANDLING

Part 246 is revised to show that special handling service is available for surface postal union AO mail and surface parcel post.

Sec.
246.1 Availability.
246.2 Fees.
246.3 Marking.
246.4 Treatment.

AUTHORITY: The provisions of this Part 246 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 246.1 Availability.

The special handling service for domestic third- and fourth-class mail is available also for surface parcel post and postal union AO mail addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to airmail articles or parcels.

§ 246.2 Fees.

Weight	*Fee (cents)*
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

Special handling fees are in addition to the regular postage rate to the country concerned.

§ 246.3 Marking.

Senders must place the words "Special Handling" above the name of the addressee and below the stamps, as illustrated in § 167.3 of this chapter.

§ 246.4 Treatment.

Special handling packages are given priority in distribution and disposal over other surface AO or parcel post packages from the office of mailing to the point of dispatch from the United States. They are not accorded any preferential dispatch from the United States, and receive no special treatment in the country of destination.

NOTE: The corresponding Postal Manual Part is Part 246.

PART 247—RECALL AND CHANGE OF ADDRESS

§ 247.5 [Amended]

In § 247.5 *Countries not permitting*, make the following changes:

a. Paragraph (a) is amended to read as follows:

(a) *For postal union mail.* The legislation of the following countries does not allow senders of postal union articles to withdraw them from the mail or to change their address: Ascension, Australia, Bahamas, Bahrein, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Great Britain and Northern Ireland, Guyana, Hong Kong, Ireland, Jamacia, Kenya, Kuwait, Leeward Islands, Malawi, Malaysia, Malta, Muscat, Nauru, New Guinea, New Zealand, Nigeria, Papua, Qatar, Rhodesia, St. Helena, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa (Rep. of), Tanzania, Trinidad and Tobago, Trucial States, Uganda, Windward Islands (except Dominica), and Zambia.

b. In paragraph (b), *For parcel post*, strike out "Aden" and "India (permits only requests for return)".

NOTE: The corresponding Postal Manual sections are 247.51 and 247.52.

PART 251—SHIPPER'S EXPORT DECLARATION

In § 251.1 paragraph (c) is amended so as to provide for the mailing of articles under a distribution license.

§ 251.1 When required.

* * * * *

(c) From Puerto Rico to the United States,[1] and to the U.S. possessions.[2]

must fill out a shipper's export declaration on Department of Commerce Form 7525–V and present it at the post office at the time of mailing. The shipper's export declaration is required only for goods mailed for commercial purposes and not for goods which involve no commercial consideration. However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license or a distribution license from the Bureau of International Commerce, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. (See Part 252 of this chapter.) The declaration need not be furnished for catalogs, instruction books and other advertising matter or for magazines, newspapers, and periodicals. It is also not required for shipments of technical data, regardless of value and whether or not they are covered by export licenses, except as stated in § 252.3(c) of this chapter. Shippers who wish to correct a previously filed export declaration must submit such corrections to the post office on Commerce Form FT–7403.

NOTE: The corresponding Postal Manual section is 251.1c.

PART 252—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

§ 252.2 [Amended]

I. In § 252.2 *General licenses*, the following changes are made:

a. In paragraph (b), *Restricted destinations*, insert North Korea immediately after Inner Mongolia; and convert the reference to Germany to East Germany.

b. Under paragraph (b) add the following to the footnote:

Parcel post and postal union packages of merchandise not accepted for Cuba and Far Eastern Communist countries.

c. For clarification purposes paragraph (c)(3) is amended to read as follows:

(3) Not more than one gift package may be mailed per week by the same sender to one addressee under this general license.

NOTE: The corresponding Postal Manual sections are 252.22 and .233.

§ 252.5 [Redesignated]

II. Section 252.4 *Export control inspections*, is redesignated as § 252.5; and new § 252.4, defining and furnishing instructions on the use of a distribution license, is inserted, reading as follows:

§ 252.4 Distribution licenses.

(a) *Definition and use.* A distribution license is a "bulk-type" validated license under which certain commodities in prescribed amounts over a period of a year may be sent to Australia, Belgium, Denmark, France, Germany (Federal Republic), Great Britain and Northern Ireland, Greece, Italy, Japan, Luxembourg, Netherlands, and Norway.

(b) *Mailing under distribution license.* The distribution license number, which is prefixed by "H" or "V" must be written by the mailer on the address side of the wrapper of each parcel mailed under such license. The license need not be presented. A shipper's export declaration (see Part 251 of this chapter) is required for each shipment.

NOTE: The corresponding Postal Manual section is 252.4.

PART 272—INDEMNITY CLAIMS AND PAYMENTS

In § 272.2 *Indemnity payments*, paragraph (b)(2) is amended to read as follows:

§ 272.2 Indemnity payments.

* * * * *

(b) * * *

(2) *Cuba.* Parcel post service with Cuba is suspended.

* * * * *

NOTE: The corresponding Postal Manual section is 272.222.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 69–1143; Filed, Jan. 28, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 68–128]

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. The purpose of this document is to effect various changes and additions to Coast Guard Procurement Regulations which were transferred from Chapter 11 to 12B of Title 41, by document CGFR 68–103 published at 33 F.R. 16202 on November 5, 1968.

2. Since the amendments to the Coast Guard Procurement Regulations, 41 CFR 12B, prescribed by this document relate to the management, procedures and practices of the Coast Guard notice and public procedure thereon together with effective date requirements are inapplicable or unnecessary under the provisions of the Administrative Procedure Act (5 U.S.C. 553).

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and other statutes cited with the regulations below and the delegations of authority in 49 CFR 1.4(a)(2) and (f), Chapter 12B, Title 41 of the Code of Federal Regulations, published at 33 F.R. 16202, is amended as follows and shall be effective on and after the date of publication of this document in the FEDERAL REGISTER.

PART 12B–1—GENERAL

Subpart 12B–1.0—Regulation System

§ 12B–1.009–2 [Amended]

1. Paragraph (b) of § 12B–1.009–2 is amended by changing the word "processings" in the last line to read "processing".

Subpart 12B–1.2—Definition of Terms

§ 12B–1.257 [Amended]

2. Section 12B–1.257 is amended by changing the word "manufacturer" in line 17 to read "manufacture".

Subpart 12B–1.3—General Policies

§ 12B–1.301–1 [Amended]

3. Section 12B–1.301–1 is amended by inserting the words "of this title" between "§ 1–1.301–1" and "the" in line 2.

§ 12B–1.302–3 [Amended]

4. Section 12B–1.302–3 is amended by inserting the words "of this title" between "§ 1–1.302–3" and "should" in line 3.

§ 12B–1.305–6 [Amended]

5. Section 12B–1.305–6 is amended by inserting the words "of this title" between "§ 1–1.305–2" and "are" in line 5.

§ 12B–1.351 [Amended]

6. Section 12B–1.351 is amended by changing the words "1–7.101–4 that quantity" in line 3 to read "§ 1–7.101–4 of this title, that quantity".

Subpart 12B–1.51—Novation Agreements and Change of Name Agreements

§ 12B–1.5103 [Amended]

7. Paragraph 7 of the agreement form entitled "Novation Agreements and Change of Name Agreements" set forth in paragraph (c)(4) of § 12–1.5103 is amended by changing "(41" to read "41" in line 3.

8. Section 12B–1.5107 is amended to read as follows:

§ 12B–1.5107 Sample change order format.

U.S. Coast Guard Contract No. _____ } Change Order No. _____

CHANGE ORDER

Date _____

Contractor:

Subject: (Insert type of transaction-merger, etc.)

Pursuant to the provisions of the clause of Modification No. _____ of Contract No. _____. (This reference will be to the Modification actually recognizing the transfer.)

It is hereby acknowledged that said Contract Modification (Insert as appropriate, "effecting recognition of XYZ Corp. as a successor in interest applies in accordance with all of its terms and conditions to this contract" or "effecting recognition of a change of the contractor's name from ABC Corp. to XYZ Corp. applies in accordance with all of its terms and conditions to this contract.")

Except as hereby modified, all the terms, covenants, and conditions of said contract as heretofore modified or amended shall remain in full force and effect.

THE UNITED STATES OF AMERICA

By _____
(Signature)

_____
(Contracting Officer)

Subpart 12–1.52—Value Engineering

9. Subpart 12B–1.52 is amended by adding a new § 12B–1.5202–3 following § 12B–1.5202–2, reading as follows:

§ 12B–1.5202–3 Limitations.

Normally, value engineering incentive provisions shall not be included in procurements for architect-engineering, research, or exploratory development. In addition, with the exception of cost-plus-incentive fee contracts, where applicable, value engineering incentive provisions shall not be included in cost-reimbursement type contracts.

(Sec. 633, 63 Stat. 545, secs. 2301–2314 (Ch. 137), 70 A Stat. 127–233, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301–2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f))

PART 12B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 12B–2.2—Solicitation of Bids

§ 12B–2.201 [Amended]

1. Section 12B–2.201 is amended as follows:

Paragraph (a)(22) is amended by inserting the words "of this title" between "(a)(22)" and "will" in line 2; paragraph (a)(5)(ii) is amended by inserting a comma between "instructions" and "terms" in line 1; paragraph (b)(5) is amended by inserting the words "of this title" between "§ 1–2.201(b)(5)" and "the" in line 2; paragraph (b)(53) is amended by deleting the words "shall be included" at the end of line 3; paragraph (b)(54) is amended by deleting the words "shall be included" at the end of line 5; paragraph (b)(55) is amended by deleting the words "shall be included" in line 3; and paragraph (b)(56) is amended by deleting the words "shall be included" at the end of line 4.

§ 12B–2.201–51 [Amended]

2. Section 12B–2.201–51 *Ship repair, alteration or conversion contracts* is amended by (1) in paragraph (c) lines 3 and 4 and 24 and 25 change the phrase from "(See § 12B–7.5001 of this chapter.)" to "(See § 12B–7.5001–10 of this chapter)", and (2) in paragraph (d) lines 8 and 9 change the phrase from "in § 12B–7.5001–10 (a) and (b) of this chapter." to "in paragraphs (b) and (c) of § 12B–7.5001–10 of this chapter."

§ 12B–2.205–5 [Amended]

3. Section 12B–2.205–5 is amended by inserting the words "of this title" between "§ 1–2.205–5" and "the" in line 1.

Subpart 12B–2.4—Opening of Bids and Award of Contract

§ 12B–2.402 [Amended]

4. Section 12B–2.402 is amended by inserting the words "of this title" between "§ 1–2.402" and "shall" in line 2.

§ 12B–2.406 [Amended]

5. Section 12B–2.406 is amended by inserting the words "of this title" between "§ 1–2.406" and "will" in line 3.

§ 12B–2.407–8 [Amended]

6. Paragraph (b)(2)(viii)(*a*) of § 12B–2.407–8 is amended by inserting the words "of this title" between "§ 1–2.407–8(b)(3)" and "must" in line 6.

(Sec. 633, 63 Stat. 595, secs. 2301–2314 (Ch. 137), 70 A Stat. 127–133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301–2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f))

PART 12B–3—PROCUREMENT BY NEGOTIATION

Subpart 12B–3.1—Use of Negotiation

§ 12B–3.101 [Amended]

1. Section 12B–3.101 is amended as follows:

Paragraph (a) is amended by inserting the words "of this title" between "§ 1–3.101" and "proposals" in line 2, between "Part 1–16" and "when" in line 6, and between "Part 1–7" and "which" in line 9; and paragraph (b) is amended by inserting the words "of this title" between "§ 1–3.101(d)" and "the" in line 2, and by inserting the words "of this chapter" between "§ 12B–1.301–1" and "relative" in line 3.

Subpart 12B–3.2—Circumstances Permitting Negotiation

§ 12B–3.204 [Amended]

2. Paragraph (b) of § 12B–3.204 is amended by inserting the words "of this title" between "§ 1–3.204(b)" and the comma at the end of line 2.

§ 12B–3.205 [Amended]

3. Paragraph (b) of § 12B–3.205 is amended by inserting the words "of this title" between "§ 1–3.206" and the period in line 4.

§ 12B–3.207 [Amended]

4. Paragraph (b) of § 12B–3.207 is amended by inserting the words "of this title" between "§ 1–3.207(b)" and the comma in line 2.

§ 12B–3.208 [Amended]

5. Paragraph (b) of § 12B–3.208 is amended by inserting the words "of this title" between "§ 1–3.208(b)" and the comma in line 2.

§ 12B–3.210 [Amended]

6. Paragraph (b) of § 12B–3.210 is amended by inserting the words "of this title" between "§ 1–3.210" and the colon at the end of line 3.

7a. The section following § 12B–3.210 is incorrectly numbered as § 12–3.211. As renumbered the section and its heading read:

§ 12B–3.211 Experimental, development, or research work.

b. Paragraph (b) of § 12B–3.211 is amended by inserting the words "of this title" between "§ 1–3.211(b)" and the comma in line 2.

§ 12B–3.214 [Amended]

8. Paragraph (b) of § 12B–3.214 is amended by inserting the words "of this title" between "§ 1–3.214(b)" and the comma in line 2.

Subpart 12B–3.3—Determinations, Findings and Authorities

§ 12B–3.300 [Amended]

9. Section 12B–3.300 is amended by inserting the words "of this title" between "1–3.3" and the period at the end of the paragraph.

Subpart 12B–3.6—Small Purchases

§ 12B–3.606–2 [Amended]

10. Paragraph (a) is amended by inserting the words "of this chapter" between "75.201" and "and" in line 3 and between "§ 12B–75.201(d)(5)" and "are" in line 6, and by inserting the words "of this title" between "§ 1–3.606" and "and" in line 8.

§ 12B–3.650–2 [Amended]

11. Section 12B–3.650–2 *Order for Supplies or Services/Request for Quotations (DD Forms 1155, 1155r, Standard Form 36; DD Form 1155c and Standard Form 30)*, is amended by changing in line 4 of paragraph (b)(4) the phrase from "Lines 4 and 5 is altered" to "Lines 4 and 5 will be altered".

(Sec. 633, 63 Stat. 545, secs. 2301–2314 (Ch. 137), 70A Stat. 127–133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301–2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f))

PART 12B–6—FOREIGN PURCHASES

Subpart 12B–6.1—Buy American Act—Supply and Services Contracts

§ 12B–6.103–2 [Amended]

1. Section 12B–6.1–302 is amended by deleting the word "below" in line 4 of paragraph (g)(1) and line 4 of paragraph (g)(2) and substituting therefor the words "in subparagraph (3) of this paragraph."

(Sec. 633, 63 Stat. 545, secs. 2301–2314 (Ch. 137), 70A Stat. 127–133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301–2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f))

PART 12B–16—PROCUREMENT FORMS

Subpart 12B–16.2—Forms for Negotiated Supply Contracts

§ 12B–16.202–50 [Amended]

1. Section 12B–16.202–50 is amended by changing "32 CFR 13–10 (ASPR)" in line 10 of paragraph (c)(2)(viii) to read "32 CFR 13–710 (ASPR)".

(Sec. 633, 63 Stat. 545, secs. 2301–2314 (Ch. 137), 70A Stat. 127–133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 10 U.S.C. 2301–2314, 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f))

Dated: January 17, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69–1089; Filed, Jan. 28, 1969; 8:51 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Los Angeles Air Quality Control Region

On November 23, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 17363) to amend Part 81 by designating the Metropolitan Los Angeles Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on December 10, 1968. Due consideration has been given to all relevant material presented, with the result that the region, as hereby designated, includes a portion of Santa Barbara County not included in the initial proposal.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, the Metropolitan Los Angeles Air Quality Control Region is hereby designated and Part 81, as set forth below, is hereby amended effective on publication.

§ 81.17 Metropolitan Los Angeles Air Quality Control Region.

The Metropolitan Los Angeles Air Quality Control Region consists of the following territorial area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

Ventura County—the entire county;
Orange County—the entire county;
Riverside County—that portion of Riverside County which lies west of a line described as follows: Beginning at the point where the range line common to R. 4 E. and R. 3 E. intersects with Riverside-San Diego County boundary and running north along said range line; then east along the township line common to T. 8 S. and T. 7 S. to the southeast corner of sec. 36, T. 7 S., R. 3 E.; then north along the range line common to R. 4 E. and R. 3 E.; then east along the township line common to T. 8 S. and T. 7 S.; then north along the range line common to R. 5 E. and R. 4 E.; then west along the township line common to T. 6 S. and T. 7 S. to the southwest corner of sec. 34, T. 6 S., R. 4 E.; then north along the west boundaries of secs. 34, 27, 22, 15, 10, and 3, T. 6 S., R. 4 E.; then west along the township line common to T. 5 S. and T. 6 S.; then north along the range line common to R. 4 E. and R. 3 E.; then west along the south boundaries of secs. 13, 14, 15, 16, 17, and 18, T. 5 S., R. 3 E.; then north along the range line common to R. 2 E. and R. 3 E.; then west along the township line common to T. 4 S. and T. 3 S. to the intersection with the southwest boundary of partial sec. 31, T. 3 S., R. 1 W.; then northwest along that line to the intersection with the range line common to R. 2 W. and R. 1 W.; then north to the intersection of said range line with the Riverside-San Bernardino County line;
San Bernardino County—that portion of San Bernardino County which lies west and south of a line described as follows: Beginning at the point where the San Bernardino-Riverside County boundary is intersected by the range line common to R. 3 E. and R. 2 E. and running east along said county boundary; then north along the range line common to R. 3 E. and R. 2 E.; then west along the township line common to T. 3 N. and T. 2 N. to the intersection of said township line with the San Bernardino-Los Angeles County boundary;
Los Angeles County—that portion of Los Angeles County which lies south and west of a line described as follows: Beginning at the point where the township line common to T. 3 N. and T. 2 N. intersects with the Los Angeles-San Bernardino County boundary and running west along said township line; then north along the range line common to R. 8 W. and R. 9 W.; then west along the township line common to T. 4 N. and T. 3 N.; then north along the range line common to R. 12 W. and R. 13 W. to the southeast corner of sec. 12, T. 5 N., R. 13 W.; then west along the south boundaries of secs. 12, 11, 10, 9, 8, and 7, T. 5 N., R. 13 W. to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W. and R. 14 W.; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N. and T. 6 N. (point is at the northwest corner of sec. 4 in T. 6 N., R. 14 W.); then west along the township line common to T. 7 N. and T. 6 N.; then north along the range line common to R. 15 W. and R. 16 W. to the southeast corner of sec. 13, T. 7 N., R. 16 W.; then west along the south boundaries of secs. 13, 14, 15, 16, 17, and 18, T. 7 N., R. 16 W.; then north along the range line common to R. 16 W. and R. 17 W. to the north boundary of the Angeles National Forest (collinear with township line common to T. 8 N. and T. 7 N.); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the point at which it intersects with the Los Angeles-Kern County boundary; then west along said county boundary to the northwest corner of Los Angeles County;
Santa Barbara County—that portion of Santa Barbara County which lies south of a line described as follows: Beginning at the point where the Jalama Creek runs into the Pacific Ocean and running east and north along Jalama Creek to a point of intersection with the west boundary of the San Julian Land Grant; then south along the San Julian Land Grand boundary to its southwest corner; then east along the south boundary of the San Julian Land Grant to the northeast corner of partial sec. 20, T. 5 N., R. 32 W.; then south and east along the boundary of the Las Cruces Land Grant to the southwest corner of

partial sec. 22, T. 5 N., R. 32 W.; then northeast along the Las Cruces Land Grant boundary; then east along the north boundaries of sec. 13, T. 5 N., R. 32 W., and secs. 18, 17, 16, 15, 14, 13, T. 5 N., R. 31 W., and secs. 18, 17, 16, 15, 14, 13, of T. 5 N., R. 30 W., and secs. 18, 17, 16, 15, T. 5 N., R. 29 W.; then south along the east boundary of sec. 15, T. 5 N., R. 29 W.; then east along the north boundaries of secs. 23 and 24, T. 5 N., R. 29 W., and secs. 19, 20, 21, 22, 23, 24, T. 5 N., R. 28 W., and secs. 19 and 20, T. 5 N., R. 27 W.; then south along the east boundary of sec. 20, T. 5 N., R. 27 W.; then east along the north boundaries of secs. 28, 27, 26, 25, T. 5 N., R. 27 W., and sec. 30, T. 5 N., R. 26 W.; then south along the east boundary of sec. 30, T. 5 N., R. 26 W.; then east along the north boundaries of secs. 32, 33, 34, 35, T. 5 N., R. 26 W.; then south along the east boundary of sec. 35, T. 5 N., S. 26 W.; then east along the township line common to T. 4 N. and T. 5 N. to the intersection of said township line with the Santa Barbara-Ventura County boundary.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: January 18, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-973; Filed, Jan. 28, 1969; 8:45 a.m.]

Chapter II—Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare

PART 200—MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S PROGRAMS

Interim Policy Statement No. 20 setting forth regulations for the grant-in-aid programs for maternal and child health and crippled children's services administered under title V of the Social Security Act was published in the FEDERAL REGISTER of October 4, 1968 (33 F.R. 14895). The views of interested persons were requested, received, and considered. The following changes in the regulations have been made: (1) Section 200.18 on subprofessional staff and volunteers now includes a reference to the Social and Rehabilitation Service regulations on this subject (45 CFR Part 225); (2) former § 200.30 has been deleted since the Intergovernmental Cooperation Act of 1968 relieved States of responsibility for accounting for interest earned on Federal funds.

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Accordingly, Part 200 of Chapter II of Title 42 of the Code of Federal Regulations is revised as set forth below.

Sec.

AUTHORITY: The provisions of this Part 200 issued under sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 301, 81 Stat. 921, 42 U.S.C. 701-707, 713, 714.

§ 200.1 Terms.

Unless the context otherwise requires, the following terms as used in the regulations in this part have the following meanings:

(a) "State" means the several States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands;

(b) "State Agency" means the official agency of a State administering or supervising the administration of a State Plan for Maternal and Child Health or Crippled Children's Services;

(c) "Act" means the Social Security Act as amended (42 U.S.C. Ch. 7);

(d) "Service" means the Social and Rehabilitation Service in the Department of Health, Education, and Welfare;

(e) "Administrator" means the Administrator of the Social and Rehabilitation Service;

(f) "Bureau" means the Children's Bureau in the Social and Rehabilitation Service;

(g) "Chief" means the Chief of the Children's Bureau in the Social and Rehabilitation Service;

(h) "Obligation" means a debt properly incurred by a State agency in carrying out the provisions of an approved State Plan;

(i) "Official forms" means forms supplied by the Bureau to State agencies for requesting funds and for submitting State budgets or reports under title V of the Act;

(j) "Crippled child" means an individual below the age of 21 who has an organic disease, defect, or condition which may hinder the achievement of normal growth and development;

(k) "Facilitating services" means transportation, subsistence away from home, drugs, biologicals, communications, supplies, and equipment as may be necessary for the provision of maternal and child health or crippled children's services;

(l) "Health" means a state of physical and mental well-being, not merely the absence of disease or infirmity;

(m) "Medical care" means services, including services in hospitals, convalescent homes, and clinics, and home health services, by physicians and the allied services of dentists, nurses, medical social workers, nutritionists, dietitians, physical therapists, occupational therapists, speech and hearing specialists, optometrists, technicians, and other personnel whose services are needed in the maternal and child health and crippled children's programs;

(n) "Maternal and child health services" means (1) the provision of educational, preventative, diagnostic, and treatment services, including medical care, hospitalization, and other institutional care and aftercare, appliances and facilitating services directed toward reducing infant mortality and improving the health of mothers and children; (2) the development, strengthening, and improvement of standards and techniques relating to such services and care; (3) the training of personnel engaged in the provision, development, strengthening, or improvement of such services and care; and, (4) necessary administrative services in connection with the foregoing;

(o) "Crippled children's services" means (1) the early location of crippled children; (2) the provision for such children of preventive, diagnostic, and treatment services, including medical care, hospitalization, and other institutional care and aftercare, appliances and facilitating services directed toward the diagnosis of the condition of such children or toward the restoration of such children to maximum physical and mental health; (3) the development, strengthening, and improvement of standards and techniques relating to the provision of such care and services; (4) the training of personnel engaged in the provision, development, strengthening, or improvement of such care and services; and (5) necessary administrative services in connection with the foregoing;

(p) "Demonstration services" means either (1) the provision in a county, district, or community of more and better health services than are available in any

comparable area in the State, utilizing facilities meeting acceptable standards and personnel who are especially well qualified, for the purpose of establishing standards of care and service that can be shown to be practical, effective and adequate to improve the health of mothers and children, or (2) the provision of a special type of health service for the purpose of proving its value in improving the health of mothers and children and in providing information on cost, methods of development, techniques of provision and the administration of a given type of health service not generally available to mothers and children;

(q) "Specialized expenditures for Maternal and Child Health Services," "Specialized expenditures for Crippled Children's Services," "Supporting expenditures for Maternal and Child Health Services," and "Supporting expenditures for Crippled Children's Services," shall have such meaning as may be ascribed to them in policies issued by the Administrator in order to best achieve the objectives of the Act.

§ 200.2 State Plans; general requirement; form, contents, and amendment.

(a) The basic condition to the certification of Federal funds is a State Plan for Maternal and Child Health and Crippled Children's Services, approved as meeting requirements of title V of the Act and regulations established thereunder.

(b) The State Plan shall follow the instructions as to form and content indicated in the Plan Instructions to be released by the Bureau pursuant to these regulations and shall contain descriptions of all material phases of the Maternal and Child Health and Crippled Children's Programs, including (1) their legal bases, (2) the manner in which their purposes, as contemplated by section 501 of the Act, will be carried out, (3) their scope and content, and (4) the policies, standards, methods, and procedures relative to (i) their administration, (ii) the supervision of their administration, (iii) their operation, and (iv) their compliance with the requirements of the Act.

(c) The State Plan and Budget shall be revised, in accordance with instructions from the Bureau, whenever there are significant changes.

§ 200.3 Administration locally of State Plans.

The State Plan shall:

(a) Provide for its administration in local communities,

(1) Directly by the State agency; or

(2) By local public agencies which are, with respect to their administration locally of such plan, supervised by the State agency; or,

(3) By a combination of the foregoing methods of administration; and

(b) Set forth the manner in which the State agency will exercise and make effective its supervision over the operations of the local public agencies with respect to their administration locally of such plan.

§ 200.4 Program units.

(a) The State Plan shall provide:

(1) With respect to the maternal and child health services program, for the establishment in the State agency, under the direction of a program director, of a separate organizational unit charged primarily with responsibilities in the field of maternal and child health and including, at least, the planning, promoting, and coordinating of maternal and child health services and the administration of the unit and its staff as provided under the State Plan;

(2) With respect to the crippled children's services program for the establishment, in the State agency, of a separate organizational unit charged primarily with responsibilities in the field of health services for crippled children and including, at least, the planning, promoting and coordinating of crippled children's services and the administration of the unit and its staff as provided under the State Plan: *Provided,* That, where the major functions of the State agency relate to the provision of health services to children, as in the case of a Crippled Children's Commission, such commission shall itself be considered as the separate organizational unit required.

(b) The State Plan may provide for combining the Crippled Children's Program Unit and the Maternal and Child Health Program Unit into one organizational unit under the direction of a single program director.

§ 200.5 Program directors.

The State Plan shall provide that the Maternal and Child Health and Crippled Children's Program Unit or Units, will both or each be under the direction of a program director who will be (a) a Doctor of Medicine; (b) a full-time employee of the State agency; (c) devoting his full time, during the hours of his employment by the State agency, to the work of the Program Unit of which he is the director: *Provided,* That the Administrator may approve a plan provision providing for the part-time employment of such Doctor of Medicine where satisfactory evidence is submitted justifying such a provision.

§ 200.6 Information on services available.

The State Plan shall describe how the public throughout the State will be fully informed as to the maternal and child health and crippled children's services available under the State Plan.

§ 200.7 Limitations on provision of services.

The State Plan for maternal and child health and crippled children's services shall provide that hospital, rehabilitation, convalescent or foster home care, or appliances provided to individuals under the plan will be made available only to individuals who are receiving medical services provided or arranged for by the State agency in accordance with the standards and policies of the plan.

§ 200.8 Crippled Children's Program; required content.

With respect to services for crippled children, the State Plan shall make provision for:

(a) Services for the early location of crippled children;

(b) The diagnosis and evaluation of the condition of such children;

(c) Treatment services including at least appropriate services by physicians, appliances, hospital care, and aftercare as needed; and

(d) The development, strengthening, and improvement of standards and services for crippled children.

§ 200.9 Crippled Children's Program; diagnostic services.

With respect to services for crippled children, the State Plan shall provide that the diagnostic services under the plan will be made available within the area served by each diagnostic center to any child (a) without charge, (b) without restriction or requirement as to the economic status of such child's family or relatives or their legal residence, and (c) without any requirement for the referral of such child by any individual or agency.

§ 200.10 Standards relating to the provision of services.

The State Plan shall describe the standards required for personnel and facilities utilized in the provision of services under the plan. These standards for personnel and facilities must be those which (a) are found, upon investigation by the State agency, to be best adapted for the attainment of the specific purpose, (b) will assure a reasonably high standard of care, and (c) are in substantial accordance with national standards as accepted by the Service or standards prescribed by the Service.

§ 200.11 Authorizations of service.

The State Plan shall provide that all services purchased for individuals under the plan will be authorized by employees of the State agency, or by employees of the local public agency administering a part of the plan locally under the supervision of the State agency, and that record of such authorizations will be retained by the State or local public agency as a part of the individual's case record.

§ 200.12 Confidential information.

The State Plan shall:

(a) Provide that all information as to personal facts and circumstances obtained by the State or local staff administering the program shall constitute privileged communications, shall be held confidential and shall not be divulged without the individual's consent except as may be necessary to provide services to individual mothers and children: *Provided,* That, information may be disclosed in summary, statistical or other form which does not identify particular individuals; and

(b) Set forth suitable regulations and safeguards to carry out the provisions of paragraph (a) of this section.

§ 200.13 Rates of payment for medical care, appliances, and convalescent and foster home care.

The State Plan shall:

(a) Set forth the methods utilized by the State agency in establishing and substantiating that rates of payment for medical care, appliances, and convalescent and aftercare provided under such plans are reasonable and necessary to maintain the standards relating to the provision of services established pursuant to section 200.10, and

(b) Provide that schedules of the rates thus established will be maintained by the State agency at its offices.

§ 200.14 Rates of remuneration for hospital care.

The State Plan shall provide that payment for inpatient hospital care shall be the reasonable cost of such care established in accordance with standards approved by the Administrator.

§ 200.15 Additional remuneration for services.

The State Plan shall provide that professional personnel, hospitals, and other individuals, agencies, or groups providing any services authorized by the State agency, under a State Plan, shall agree not to make any charge to or accept any payment from the patient or his family for such services unless the amount of such payment is determined and authorized for each patient by the State agency.

§ 200.16 Maintenance of State records.

The State Plan shall provide that, for reporting purposes, there will be maintained at the State level such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the costs of carrying out the State Plan, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the funds authorized for carrying out the State Plan.

§ 200.17 Demonstration services.

The State Plan shall provide for the development of demonstration services (with special attention to dental care for children and family planning services for mothers) in needy areas and among groups in special need and shall set forth the policies, standards and criteria applicable to the development and provision of such services, and to the selection of such areas and groups.

§ 200.18 Use of subprofessional staff and volunteers.

The State Plan shall:

(a) Provide for the training and effective use of paid subprofessional staff in the administration of the Plan. Particular emphasis shall be given to full-time or part-time employment of persons of low income as community services aides.

(b) Provide for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the State agency.

(c) Meet the requirements established by the Service for training and effective use of subprofessional and volunteer staff contained in Part 225 of this chapter.

(d) Provide for the utilization of staff as specified in paragraphs (a), (b), and (c) of this section, no later than July 1, 1969.

§ 200.19 Use of optometrists.

The State Plan shall provide that, where payment is authorized under the Plan for services which an optometrist is licensed to perform, the individual for whom such payment is authorized may obtain such services from a licensed optometrist. This provision does not apply, however, in cases where such services are rendered in a clinic or other appropriate institution which does not have an arrangement with optometrists licensed to perform such services.

§ 200.20 Acceptance of family planning services.

The State Plan shall provide that acceptance of family planning services offered under the plan shall be voluntary on the part of the individual to whom such services are offered. Acceptance of family planning services shall not be a prerequisite to eligibility for or the receipt of any service under the plan.

§ 200.21 Cooperation with other agencies and groups.

The State Plan shall provide for cooperation with the State agency which administers the program of medical assistance established under title XIX of the Act and with other medical, health, nursing, educational, and welfare groups and organizations, and, with respect to the portion of the plan relating to services for crippled children, with any agency in such State charged with administering State laws providing for vocational rehabilitation of physically handicapped children.

§ 200.22 Specialized and supporting expenditures.

(a) The State agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Crippled Children's program, identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of the approved Crippled Children's Services Plan.

(b) The State agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Maternal and Child Health program, provide in its State Plan for the allocation of such expenditures to such program in accordance with either of the following procedures:

(1) On the basis of objective criteria set forth in the State Plan, allocate to such program a portion of "supporting expenditures" which, together with any "specialized expenditures" indentified for such program will at least equal the total annual expenditures of Federal and required matching funds;

(2) Identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of the approved Maternal and Child Health Services Plan.

§ 200.23 Allotments.

(a) Prior to the beginning of each fiscal year the Chief will prepare and make available to the several State agencies an estimated schedule of the amounts which it is expected will be allotted to each State during the fiscal year for each program.

(b) With respect to amounts determined to be available for any fiscal year for allotments for Crippled Children's services:

(1) One-half is allotted among the States in accordance with criteria specified in the act. These funds are referred to as "Fund A." Each State receives an allotment of $70,000 and such part of the amount remaining as the number of children under 21 in the State bears to the total number of such children in the United States. The number of children under 21 is used as the index of the number of crippled children, since adequate statistics on the number of crippled children are not available; and,

(2) The other half is known as "Fund B". From this fund, an amount designated by the Appropriation Act is available to States and to nonprofit institutions of higher learning for special projects for crippled children who are mentally retarded. From the remainder of Fund B, not less than 75 percent is apportioned among the States according to the need of each State for financial assistance in carrying out its State Plan after taking into consideration the number of children under 21 years in each State and per capita income in each State. The apportionments vary directly with the number of children under 21 years of age in the State, and the number in rural areas of the State, with rural children given twice the weight of children in urban areas. The apportionments vary inversely with State per capita income. Depending upon the amount of funds available, a minimum amount is set by the Chief below which a State's apportionment may not fall. Funds thus apportioned are allotted to States as needed. The remaining 25 percent or less of Fund B is reserved for grants to States and to nonprofit institutions of higher learning for special projects of regional or national significance which may contribute to the advancement of services for crippled children.

(c) With respect to amounts determined to be available for any fiscal year for allotments for Maternal and Child Health services:

(1) One-half is allotted among the States by a formula specified in the law.

These funds are referred to as "Fund A." Each State receives an allotment of $70,000, and such part of the amount remaining as the number of live births in the State bears to the total number in the United States; and

(2) The other half is known as "Fund B." From this fund an amount designated by the Appropriation Act is available to States and to nonprofit institutions of higher learning for special projects for mentally retarded children. From the remainder of Fund B, not less than 75 percent is apportioned among the States according to the need of each State for financial assistance in carrying out its State Plan after taking into consideration the number of live births in each State and per capita income in each State. The apportionments vary directly with the number of live births in the State, and the number in rural areas of the State, with rural births given twice the weight of urban births. The apportionments vary inversely with State per capita income. Depending upon the amount of funds available, a minimum amount is set by the Chief below which a State's apportionment may not fall. Funds thus apportioned are allotted to States as needed. The remaining 25 percent or less of Fund B is reserved for grants to States and to nonprofit institutions of higher learning for special projects of regional or national significance which may contribute to the advancement of maternal and child health.

§ 200.24 Submission of budgets by State agencies.

Prior to the beginning of each fiscal year, the State agency shall submit, upon official forms and in accordance with procedures established by the Bureau, an annual budget appropriately documented and supported and indicating the availability and sources of all funds and indicating the purposes for which the funds are to be expended.

§ 200.25 Payments to States; effect of certification.

Neither the approval of the State Plan nor any certification of funds or payment to the State pursuant thereto shall be deemed to waive the failure of the State to observe before or after such administrative action any Federal requirements or the right or duty of the Administrator to withhold funds by reason thereof.

§ 200.26 Private funds.

Funds obtained from private sources and made fully available for expenditure by the State agency under the approved State Plan may be included in the computation of the amounts of public funds expended: *Provided,* That, funds provided by private agencies or institutions whose facilities are to be used in carrying out the State Plan under arrangements involving compensation for such use shall not be included in such computation. Private funds shall be placed on deposit in accordance with the State law, but if there is no State law setting forth applicable procedures, the funds shall be deposited with the State Treasurer, the Treasurer of a political subdivision, or in a private depository, in a special account to the credit of the State agency. If the funds are deposited with the State Treasurer or the Treasurer of a political subdivision, the certificate of the Treasurer shall be furnished showing the deposit of such funds in a special account to the credit of the State agency. If the funds are placed in a private depository, the certificate of an officer of the private depository shall be furnished showing the deposit of such funds in a special account to the credit of the State agency.

§ 200.27 Equipment and supplies.

All items of equipment or supply purchased in carrying out the State Plan are to be used only for the purposes for which such items were purchased and the State agency shall maintain a complete equipment inventory and adequate property controls.

§ 200.28 Application of Federal funds; effect of State rules.

Except as specifically stated in the Act and in the regulations in this part, State laws, rules, regulations and standards governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State.

§ 200.29 Custody of Federal funds.

The State Treasurer or official exercising similar functions for the State shall receive and provide for the custody of all funds paid to the State under the Act, subject to requisition or disbursement thereof by the State agency for plan purposes.

§ 200.30 Collections.

Any amounts refunded or paid to the State for services or supplies provided under the Maternal and Child Health or Crippled Children's Plan shall be credited to the Federal account in proportion to the Federal participation in the expenditures by reason of which such refunds or payments were made.

§ 200.31 Extension of services.

No payment will be made from the allotments for Maternal and Child Health or Services for Crippled Children to any State which fails to make a satisfactory showing that it is extending the provision of services under its Plan with a view to making such services available in all parts of the State by July 1, 1975. Services which must be extended are those to which the State Plan applies, including services for dental care for children and family planning for mothers.

§ 200.32 Maintenance of financial effort.

The amount payable to any State under the regulations in this part for any fiscal year ending after June 30, 1968 shall be reduced by the amount by which the sum expended (as determined by the Bureau) from non-Federal sources for maternal and child health services and services for crippled children for such year is less than the sum expended from such sources for such services for the fiscal year ending June 30, 1968. In case of any such reduction the Administrator shall determine the portion thereof which shall be applied, and the manner of applying such reduction, to the amounts otherwise payable to the State under these regulations.

Effective date. The regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 15, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-1206; Filed, Jan. 28, 1969; 8:51 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 71—FEDERAL INTERAGENCY DAY CARE REQUIREMENTS

A new Part 71 is added to Title 45 of the Code of Federal Regulations, as set forth below. The new part contains the Federal Interagency Day Care Requirements, dated September 23, 1968, approved by the Secretary of Health, Education, and Welfare and the Acting Director, Office of Economic Opportunity, with the concurrence of the Secretary of Labor. These Federal requirements were developed pursuant to section 522(d) of the Economic Opportunity Act of 1964, 42 U.S.C. 2932(d), to coordinate certain programs which provide day care.

Subpart A—General

Subpart B—Comprehensive and Coordinated Services

AUTHORITY: The provisions of this Part 71 issued under sec. 522(d), 81 Stat. 713, sec. 602, 78 Stat. 528, 42 U.S.C. 2932(d), 2942; sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 7, 64 Stat. 1107, as renumbered sec. 301, 79 Stat. 35, 20 U.S.C. 242; sec. 1001(c), 80 Stat. 1475, sec. 14, 79 Stat. 80, 42 U.S.C. 2610c, 2616.

Subpart A—General

§ 71.1 Definitions.

As used in this part:

(a) "Day care services" means comprehensive and coordinated sets of activities providing direct care and protection of infants, preschool and school-age children outside of their own homes during a portion of a 24-hour day. (The Office of Economic Opportunity uses 7 hours as the minimum time period for its preschool day care programs; however, most of the standards in this document are also applicable to part-day Head Start programs.) Comprehensive services include, but are not limited to, educational, social, health, and nutritional services and parent participation. Such services require provision of supporting activities including administration, coordination, admissions, training and evaluation.

(b) "Administering agency" means any agency which either directly or indirectly receives Federal funds for day care services subject to the Federal Interagency Day Care Standards and which has ultimate responsibility for the conduct of such a program. Administering agencies may receive Federal funds through a State agency or directly from the Federal Government. There may be more than one administering agency in a single community.

(c) "Operating agency" means an agency directly providing day care services with funding from an administering agency. In some cases, the administering and operating agencies may be the same, e.g., public welfare departments or community action agencies which directly operate programs. Portions of the required services may be performed by the administering agency.

(d) "Day care facility" means the place where day care services are provided to children; e.g., family day care homes, group day care homes, and day care centers. Facilities do not necessarily provide the full range of day care services. Certain services may be provided by the administering or operating agency.

(e) "Standards." Standards consist of both interagency requirements and recommendations. The requirements only are presented in this document; the recommendations will be issued separately.

(1) "Interagency requirements" means a mandatory policy which is applicable to all programs and facilities funded in whole or in part through Federal appropriations.

(2) "Interagency recommendations" means an optional policy based on what is known or generally held to be valid for child growth and development which is recommended by the Federal agencies and which administering agencies should strive to achieve.

§ 71.2 Scope and purpose.

The legislative mandates of the Economic Opportunity Amendments of 1967 require that the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity coordinate programs under their jurisdictions which provide day care so as to obtain, if possible, a common set of program standards and regulations and to establish mechanisms for coordination at State and local levels. The Secretary of Labor has joined with the Director of the Office of Economic Opportunity and the Secretary of Health, Education, and Welfare in approving these standards. Accordingly, this part sets forth Federal interagency requirements which day care programs must meet if they are receiving funds under any of the following programs:

(a) Title IV of the Social Security Act: Part A—Aid to Families With Dependent Children; Part B—Child Welfare Services.

(b) Title I of the Economic Opportunity Act—Youth Programs.

(c) Title II of the Economic Opportunity Act—Urban and Rural Community Action Programs.

(d) Title III of the Economic Opportunity Act—Part B—Assistance for Migrant, and other Seasonally Employed, Farmworkers and Their Families. (These Federal interagency requirements will not apply in full to migrant programs until July 1, 1969.)

(e) Title V of the Economic Opportunity Act—Part B—Day Care Projects.

(f) Manpower Development and Training Act.

(g) Title I of the Elementary and Secondary Education Act. (Programs funded under this title may be subject to these requirements at the discretion of the State and local education agencies administering these funds.)

§ 71.3 Application of requirements.

(a) As a condition for Federal funding, agencies administering day care programs must assure that the requirements are met in all facilities which the agencies establish, operate or utilize with Federal support. If a facility does not provide all of the required services, the administering agency must assure that those that are lacking are otherwise provided.

(b) Administering agencies must develop specific requirements and procedures within the framework of the Federal interagency requirements and recommendations to maintain, extend, and improve their day care services. Additional standards developed locally may be higher than the Federal requirements and must be at least equal to those required for licensing or approval as meeting the standards established for such licensing. Under no circumstances may they be lower. It is the intent of the Federal Government to raise and never to lower the level of day care services in any State.

(c) The interagency requirements will be utilized by Federal agencies in the evaluation of operating programs.

(d) The provisions of this part cover all day care programs and facilities utilized by the administering agencies which receive Federal funds, whether these facilities are operated directly by the administering agencies or whether contracted to other agencies. Such programs and facilities must also be licensed or meet the standards of licensing applicable in the State. Day care may be provided:

(1) On a day care facility operated by the administering agency.

(2) In a day care facility operated by a public, voluntary, or proprietary organization which enters into a contract to accept children from the administering agency and to provide care for them under the latter's policies. (The operating organization may also serve children who are not supported by the administering agency.)

(3) Through some other contractual or other arrangement, including the use of an intermediary organization designed to provide coordinated day care services, or the use of facilities provided by employers, labor unions, or joint employer—union organizations.

(4) Through the purchase of care by an individual receiving aid to families with dependent children or child welfare services funds for the service.

§ 71.4 Waiver of requirements.

Requirements can be waived when the administering agency can show that the requested waiver may advance innovation and experimentation and extend services without loss of quality in the facility. Waivers must be consistent with the provisions of law. Requests for waivers should be addressed to the regional office of the Federal agency which is providing the funds. Requirements of the licensing authority in a State cannot be waived by the Federal regional office.

§ 71.5 Effective date of requirements.

The requirements apply to all day care programs initially funded and to those refunded after Juy 1, 1968. Administering agencies are expected to immediately initiate planning and action to achieve full compliance within a reasonable time. Except where noted, up to 1 year may be allowed for compliance provided there is evidence of progress and good intent to comply.

§ 71.6 Enforcement of requirements.

(a) The basic responsibility for enforcement of the requirements lies with the administering agency. Acceptance of Federal funds is an agreement to abide by the requirements. State agencies are expected to review programs and facilities at the local level for which they have responsibility and make sure that the requirements are met. Noncompliance may be grounds for suspension or termination of Federal funds.

(b) The Federal agencies acting in concert will also plan to review the operation of selected facilities.

Subpart B—Comprehensive and Coordinated Services

§ 71.10 Types of facilities.

It is expected that a community program of day care services will require more than one type of day care facility if the particular needs of each child and his parents are to be taken into consideration. Listed in this section are the three major types of day care facilities

to which the Federal requirements apply. They are defined in terms of the nature of care offered. While it is preferable that the three types of facilities be available, this is not a requirement.

(a) The family day care home serves only as many children as it can integrate into its own physical setting and pattern of living. It is especially suitable for infants, toddlers, and sibling groups and for neighborhood-based day care programs, including those for children needing after-school care. A family day care home may serve no more than six children (3 through 14) in total (no more than five when the age range is infancy through six), including the family day care mother's own children.

(b) The group day care home offers family-like care, usually to school-age children, in an extended or modified family residence. It utilizes one or several employees and provides care for up to 12 children. It is suitable for children who need before- and after-school care, who do not require a great deal of mothering or individual care, and who can profit from considerable association with their peers.

(c) The day care center serves groups of 12 or more children. It utilizes subgroupings on the basis of age and special need but provides opportunity for the experience and learning that accompany a mixing of ages. Day care centers should not accept children under 3 years of age unless the care available approximates the mothering in the family home. Centers do not usually attempt to simulate family living. Centers may be established in a variety of places: private dwellings, settlement houses, schools, churches, social centers, public housing units, specially constructed facilities, etc.

§ 71.11 Grouping of children.

The administering agency, after determining the kind of facility to be used, must ensure that the following limits on size of groups and child-to-adult ratios are observed. All new facilities must meet the requirements prior to Federal funding. Existing programs may be granted up to 3 years to meet this requirement, if evidence of progress and good intent is shown.

(a) Family day care home:

(1) Infancy through 6 years. No more than two children under two and no more than five in total, including the family day care mother's own children under 14 years old.

(2) Three through 14 years. No more than six children, including the family day care mother's children under 14 years old.

(3) (i) In the use of a family day care home, there must always be provision for another adult on whom the family day care mother can call in case of an emergency or illness.

(ii) There are circumstances where it would be necessary to have on a regular basis two adults in a family day care home; for example, if one or more of the children were retarded, emotionally disturbed, or handicapped and needed more than usual care.

(iii) The use of volunteers is very appropriate in family day care. Volunteers may include older children who are often very successful in working with younger children when under adequate supervision.

(b) Group day care home:

(1) Three through 14 years. Groups may range up to 12 children but the child—staff ratio never exceeds six to one. No child under three should be in this type of care. When preschool children are cared for, the child—staff ratio should not exceed five to one.

(2) (i) Volunteers and aides may be used to assist the adult responsible for the group. Teenagers are often highly successful in working with younger children, but caution should be exercised in giving them supervisory responsibility over their peers.

(ii) As in family day care, provision must be made for other adults to be called in case of an emergency or illness.

(c) Day care center:

(1) Three to 4 years. No more than 15 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 5 to 1.

(2) Four to 6 years. No more than 20 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 7 to 1.

(3) Six through 14 years. No more than 25 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 10 to 1.

(4) (i) The adult is directly responsible for supervising the daily program for the children in her group and the work of the assistants and volunteers assigned to her. She also works directly with the children and their parents, giving as much individual attention as possible.

(ii) Volunteers may be used to supplement the paid staff responsible for the group. They may include older children who are often highly successful in working with younger children. Caution should be exercised in assigning teenagers supervisory responsibility over their peers.

(d) Federal interagency requirements have not been set for center care of children under 3 years of age. If programs offer center care for children younger than 3, State licensing regulations and requirements must be met. Center care for children under 3 cannot be offered if the State authority has not established acceptable standards for such care.

§ 71.12 Licensing or approval of facilities as meeting the standards for such licensing.

Day care facilities must be licensed or approved as meeting the standards for such licensing. If the State licensing law does not fully cover the licensing of these facilities, acceptable standards must be developed by the licensing authority or the State welfare department and each facility must meet these standards if it is to receive Federal funds.

§ 71.13 Environmental standards.

(a) *Location of day care facilities.* (1) Members of low income or other groups in the population and geographic areas who (i) are eligible under the regulations of the funding agency and (ii) have the greatest relative need must be given priority in the provision of day care services.

(2) In establishing or utilizing a day care facility, all the following factors must be taken into consideration:

(i) Travel time for both the children and their parents.

(ii) Convenience to the home or work site of parents to enable them to participate in the program.

(iii) Provision of equal opportunities for people of all racial, cultural, and economic groups to make use of the facility.

(iv) Accessibility of other resources which enhance the day care program.

(v) Opportunities for involvement of the parents and the neighborhood.

(3) Title VI of the Civil Rights Act of 1964 requires that services in programs receiving Federal funds are used and available without discrimination on the basis of race, color or national origin.

(b) *Safety and sanitation.* (1) The facility and grounds used by the children must meet the requirements of the appropriate safety and sanitation authorities.

(2) Where safety and sanitation codes applicable to family day care homes, group day care homes, or day care centers do not exist or are not being implemented, the operating agency or the administering agency must work with the appropriate safety and sanitation authorities to secure technical advice which will enable them to provide adequate safeguards.

(c) *Suitability of facilities.* Each facility must provide space and equipment for free play, rest, privacy and a range of indoor and outdoor program activities suited to the children's ages and the size of the group. There must be provisions for meeting the particular needs of those handicapped children enrolled in the program. Minimum requirements include:

(1) Adequate indoor and outdoor space for children appropriate to their ages, with separate rooms or areas for cooking, toilets and other purposes.

(2) Floors and walls which can be fully cleaned and maintained and which are nonhazardous to the children's clothes and health.

(3) Ventilation and temperature adequate for each child's safety and comfort.

(4) Safe and comfortable arrangements for naps for young children.

(5) Space for isolation of the child who becomes ill, to provide him with quiet and rest and reduce the risk of infection or contagion to others.

§ 71.14 Educational services.

(a) Educational opportunities must be provided every child. Such opportunities should be appropriate to the child's age regardless of the type of facility in which

he is enrolled; i.e., family day care home, group day care home, or day care center.

(b) Educational activities must be under the supervision and direction of a staff member trained or experienced in child growth and development. Such supervision may be provided from a central point for day care homes.

(c) The persons providing direct care for children in the facility must have had training or demonstrated ability in working with children.

(d) Each facility must have toys, games, equipment and material, books, etc., for educational development and creative expression appropriate to the particular type of facility and age level of the children.

(e) The daily activities for each child in the facility must be designed to influence a positive concept of self and motivation and to enhance his social, cognitive, and communication skills.

§ 71.15 Social services.

(a) Provision must be made for social services which are under the supervision of a staff member trained or experienced in the field. Services may be provided in the facility or by the administering or operating agency.

(b) Nonprofessionals must be used in productive roles to provide social services.

(c) Counseling and guidance must be available to the family to help it determine the appropriateness of day care, the best facility for a particular child, and the possibility of alternative plans for care. The staff must also develop effective programs of referral to additional resources which meet family needs.

(d) Continuing assessment must be made with the parents of the child's adjustment in the day care program and of the family situation.

(e) There must be procedures for coordination and cooperation with other organizations offering those resources which may be required by the child and his family.

(f) Where permitted by Federal agencies providing funds, provision should be made for an objective system to determine the ability of families to pay for part or all of the cost of day care and for payment.

§ 71.16 Health and nutrition services.

(a) The operating or administering agency must assure that the health of the children and the safety of the environment are supervised by a qualified physician.

(b) Each child must receive dental, medical, and other health evaluations appropriate to his age upon entering day care and subsequently at intervals appropriate to his age and state of health. (If the child entering day care has not recently had a comprehensive health evaluation by a physician, this should be provided promptly after he enters a day care program.)

(c) Arrangements must be made for medical and dental care and other health related treatment for each child, using existing community resources. In the absence of other financial resources, the operating or administering agency must provide, whenever authorized by law, such treatment with its own funds. (The day care agency, in those instances where Federal funds are legally available to be expended for health services, has the ultimate responsibility of ensuring that no child is denied health services because his parents are unable to carry out an adequate health plan. Funds for aid to families with dependent children are not legally available for health care, but States are encouraged to use Medicaid funds whenever possible.)

(d) The facility must provide a daily evaluation of each child for indications of illness.

(e) The administering or operating agency must ensure that each child has available to him all immunizations appropriate to his age.

(f) Advance arrangements must be made for the care of a child who is injured or becomes ill, including isolation if necessary, notification of his parents, and provisions for emergency medical care or first aid.

(g) The facility must provide adequate and nutritious meals and snacks prepared in a safe and sanitary manner. Consultation should be available from a qualified nutritionist or food service specialist.

(h) All staff members of the facility must be aware of the hazards of infection and accidents and how they can minimize such hazards.

(i) Staff of the facility and volunteers must have periodic assessments, including tuberculin tests or chest X-rays, of their physical and mental competence to care for children.

(j) The operating or administering agency must ensure that adequate health records are maintained on every child and every staff member who has contact with children.

§ 71.17 Training of staff.

(a) The operating or administering agency must provide or arrange for the provision of orientation, continuous in-service training, and supervision for all staff involved in a day care program—professionals, nonprofessionals, and volunteers—in general program goals as well as specific program areas; i.e., nutrition, health, child growth and development, including the meaning of supplementary care to the child, educational guidance and remedial techniques, and the relation of the community to the child.

(b) Staff must be assigned responsibility for organizing and coordinating the training program.

(c) Nonprofessional staff must be given career progression opportunities which include job upgrading and work-related training and education.

§ 71.18 Parent involvement.

(a) Opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, to observe their children in the day care facility.

(b) Parents must have the opportunity to become involved themselves in the making of decisions concerning the nature and operation of the day care facility.

(c) Whenever an agency (i.e., an operating or an administering agency) provides day care for 40 or more children, there must be a policy advisory committee or its equivalent at that administrative level where most decisions are made; i.e., that level where decisions are made on the kinds of programs to be operated, the hiring of staff, the budgeting of funds, and the submission of applications to funding agencies. The committee membership should include not less than 50 percent parents or parent representatives, selected by the parents themselves in a democratic fashion. Other members should include representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs.

(d) Policy advisory committees (the structure of which will vary depending upon the administering agencies and facilities involved) must perform productive functions, including but not limited to:

(1) Assisting in the development of the programs and approving applications for funding.

(2) Participating in the nomination and selection of the program director at the operating and/or administering level.

(3) Advising on the recruitment and selection of staff and volunteers.

(4) Initiating suggestions and ideas for program improvements.

(5) Serving as a channel for hearing complaints on the program.

(6) Assisting in organizing activities for parents.

(7) Assuming a degree of responsibility for communicating with parents and encouraging their participation in the program.

§ 71.19 Administration and coordination.

(a) *Administration.* (1) The personnel policies of the operating agency must be governed by written policies which provide for job descriptions, qualification requirements, objective review of grievances and complaints, a sound compensation plan, and statements of employee benefits and responsibilities.

(2) The methods of recruiting and selecting personnel must ensure equal opportunity for all interested persons to file an application and have it considered within reasonable criteria. By no later than July 1, 1969, the methods for recruitment and selection must provide for the effective use of nonprofessional positions and for priority in employment to welfare recipients and other low-income people filling those positions.

(3) The staffing pattern of the facility, reinforced by the staffing pattern of the operating and administering agency, must be in reasonable accord with the staffing patterns outlined in the Head Start Manual of Policies and Instructions and/or recommended standards developed by national standard-setting organizations.

(4) In providing day care through purchase of care arrangements or through use of intermediary organizations, the administering agency should allow waivers by the operating agency only with respect to such administrative matters and procedures as are related to their other functions as profit-making or private nonprofit organizations; provided, that in order for substantial Federal funds to be used, such organizations must include provisions for parent participation and opportunities for employment of low-income persons. Similarly, there must be arrangements to provide the total range of required services. All waivers must be consistent with the law.

(5) The operating or administering agency must provide for the development and publication of policies and procedures governing:

(i) Required program services (i.e., health, education, social services, nutrition, parent participation, etc.) and their integration within the total program.

(ii) Intake, including eligibility for care and services, and assurance that the program reaches those who need it.

(iii) Financing, including fees, expenditures, budgeting, and procedures needed to coordinate or combine funding within and/or between day care programs.

(iv) Relations with the community, including a system of providing education about the program.

(v) Continuous evaluation, improvement, and development of the program for quality of service and for the expansion of its usefulness.

(vi) Recording and reporting of information required by State and Federal agencies.

(6) The administering and operating agencies and all facilities used by them must comply with title VI of the Civil Rights Act of 1964, which requires that services in programs receiving Federal funds are used and available without discrimination on the basis of race, color, or national origin.

(7) Where the administering agency contracts for services with private individuals or proprietary organizations, it must include contractual requirements designed to achieve the objectives of this section.

(b) *Coordination.* (1) Administering agencies must coordinate their program planning to avoid duplication in service and to promote continuity in the care and service for each child.

(2) State administering agencies have a responsibility to develop procedures which will facilitate coordination with other State agencies and with local agencies using Federal funds.

(3) Agencies which operate more than one type of program; e.g., a group day care home as well as day care center programs, are encouraged to share appropriate personnel and resources to gain maximum productivity and efficiency of operation.

§ 71.20 Evaluation.

(a) Day care facilities must be evaluated periodically in terms of the Federal Interagency Day Care Requirements.

(b) Local operators must evaluate their own program activities according to outlines, forms, etc., provided by the operating and administering agencies. This self-evaluation must be periodically planned and scheduled so that results of evaluation can be incorporated into the preparation of the succeeding year's plan.

Dated: January 17, 1969.

WILBUR J. COHEN,
Secretary of Health, Education and Welfare.

Dated: January 8, 1969.

RICHARD N. HARDING,
Acting Director, Office of Economic Opportunity.

[F.R. Doc. 69-1207; Filed, Jan. 28, 1969; 8:51 a.m.]

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance

Interim Policy Statement No. 4 setting forth the regulations for the programs administered under titles I, IV—Part A, X, XIV, and XVI of the Social Security Act, with respect to need, was published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10230). Views of interested persons were requested, received and considered, and, in the light thereof, certain changes in the regulations were made. The following are the major changes: (1) The method for disregard of earned income has been modified. In arriving at the amount of earned income to be applied against the assistance budget the amount to be disregarded is to be deducted from gross income rather than from net income. Next, the amount allowed for work expenses is to be deducted. The remaining amount is then applied against the assistance budget (§ 233.20(a)(7)). (2) The regulations now permit several options for the disregard of income in the AFDC program prior to July 1, 1969, not included in the Interim Policy (§ 233.20(a)(11) (i) and (ii)). (3) In regard to the requirement to adjust AFDC standards by July 1, 1969 the regulations now make it clear that while States must update their standards, if the States do not have the money to pay according to such standards they may make a ratable reduction (Section 233.20(a)(2)(ii)).

Accordingly, such regulations, as amended, are hereby codified by adding a new § 233.20 in Part 233, Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 233.20 Need and amount of assistance.

(a) *Requirements for State Plans.* A State Plan for OAA, AFDC, AB, APTD or AABD must, as specified below:

(1) *General.* Provide that the determination of need and amount of assistance for all applicants and recipients will be made on an objective and equitable basis and all types of income will be taken into consideration in the same way, except where otherwise specifically authorized by Federal statute.

(2) *Standards of assistance.* (i) Specify a statewide standard, expressed in money amounts, to be used in determining (*a*) the need of applicants and recipients and (*b*) the amount of the assistance payment.

(ii) In the AFDC plan, provide that by July 1, 1969, the State's standard of assistance for the AFDC program will have been adjusted to reflect fully changes in living costs since such standards were established, and any maximums that the State imposes on the amount of aid paid to families will have been proportionately adjusted. In such adjustment a consolidation of the standard (i.e., combining of items) may not result in a reduction in the content of the standard. In the event the State is not able to meet need in full under the adjusted standard, the State may make ratable reductions in accordance with subparagraph (3)(viii) of this paragraph. Nevertheless, if a State maintains a system of dollar maximums, these maximums must be proportionately adjusted in relation to the updated standards.

(iii) Provide that the standard will be uniformly applied throughout the State.

(iv) Include the method used in determining needs, which must be one of the three methods described in "Guides and Recommendations" or a comparable method which meets the conditions specified in such guides and is approved by the Assistance Payments Administration.

(v) If the State agency includes special need items in its standard, (*a*) describe those that will be recognized, and the circumstances under which they will be included, and (*b*) provide that they will be considered in the need determination for all applicants and recipients requiring them.

(vi) If the State chooses to establish the need of the individual on a basis that recognizes, as essential to his well-being, the presence in the home of other needy individuals, (*a*) specify the persons whose needs will be included in the individual's need, and (*b*) provide that the decision as to whether any individual will be recognized as essential to the recipient's well-being shall rest with the recipient.

(3) *Income and resources; OAA, AFDC, AB, APTD, AABD.* (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet the current and future needs while assistance is received on a continuing basis. In addition to the home, personal effects, automobile and income producing property allowed by the agency, the amount of real and personal property, including liquid assets, that

can be reserved for each individual recipient shall not be in excess of two thousand dollars. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

(ii) Provide that, in establishing financial eligibility and the amount of the assistance payment: (*a*) All income and resources, after policies governing the allowable reserve, disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, and will first be applied to maintenance costs; (*b*) if agency policies provide for allocation of the individual's income as necessary for the support of his dependents, such allocation shall not exceed the total amount of their needs as determined by the statewide standard; (*c*) only such net income as is actually available for current use on a regular basis will be considered, and only currently available resources will be considered; (*d*) current payments of assistance will not be reduced because of prior overpayments unless the recipient has income or resources currently available in the amount by which the agency proposes to reduce payment; except that where there is evidence which clearly establishes that a recipient willfully withheld information about his income or resources, such income or resources may be considered in the determination of need to reduce the amount of the assistance payment in current or future periods; and (*e*) income and resources will be reasonably evaluated.

(iii) Provide that no inquiry will be made of the amount of earnings of a child under 14 years of age.

(iv) Provide that, in determining the availability of income and resources, the following will not be included as income: (*a*) Income equal to expenses reasonably attributable to the earning of income; (*b*) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs; and (*c*) home produce of an applicant or recipient, utilized by him and his household for their own consumption.

(v) Provide that agency policies assure that when support payments by absent parents have been ordered by a court, a regular amount of income is available monthly to meet the determined needs of the mother and children, whether or not the support payments are received regularly, and the agency does not delay or reduce public assistance payments on the basis of assumed support which is not actually available.

(vi) If the State agency holds relatives responsible for the support of applicants and recipients, (*a*) include an income scale for use in determining whether responsible relatives have sufficient income to warrant expectation that they can contribute to the support of applicants or recipients, which income scale exceeds a minimum level of living and at least represents a minimum level of adequacy that takes account of the needs and other obligations of the relatives; and (*b*) provide that no request will be made for contributions from relatives whose net cash income is below the income scale. In family groups living together, income of the spouse is considered available for his spouse and income of a parent is considered available for children under 21.

(vii) If the State agency establishes policy under which assistance from other agencies and organizations will not be deducted in determining the amount of assistance to be paid, provide that no duplication shall exist between such other assistance and that provided by the public assistance agency. In such complementary program relationships, nonduplication shall be assured by provision that such aid will be considered in relation to: (*a*) The different purpose for which the other agency grants aid, such as vocational rehabilitation; (*b*) the provision of goods and services that are not included in the statewide standard of the public assistance agency, e.g., a private agency might provide money for special training for a child or for medical care when the public assistance agency does not carry this responsibility; or housing and urban development relocation adjustment payments for items not included in assistance standards; or (*c*) the fact that public assistance funds are insufficient to meet the total amount of money determined to be needed in accordance with the statewide standard. In such instances, grants by other agencies in an amount sufficient to make it possible for the individual to have the amount of money determined to be needed, in accordance with the public assistance agency standard, will not constitute duplication.

(viii) Provide that payment will be based on the determination of the amount of assistance needed and that, if full individual payments are precluded by maximums or insufficient funds, adjustments will be made by methods applied uniformly statewide.

(ix) Provide that the agency will establish and carry out policies with reference to applicants' and recipients' potential sources of income that can be developed to a state of availability.

(4) *Disregard of income common to OAA, AFDC, AB, APTD, or AABD.* (i) If the State chooses to disregard income from all sources before applying other provisions for disregarding or setting aside income, specify the amount that is first to be disregarded, but not more than $7.50 ($5 in AFDC) per month, of any income of an individual, child or relative claiming assistance. All income must be included such as social security or other benefits, earnings, contributions from relatives, or other income the individual may have.

(ii) Provide that, in determining need and the amount of the assistance payment, the following will be disregarded: (*a*) The value of the coupon allotment under the Food Stamp Act of 1964 in excess of the amount paid for the coupons; (*b*) the value of the U.S. Department of Agriculture donated foods (surplus commodities); and (*c*) any highway relocation assistance paid under the Federal-Aid Highway Act of 1968.

(iii) Provide that income and resources which are disregarded or set aside under this part will not be taken into consideration in determining the need of any other individual for assistance.

(5) *Disregard of income applicable to OAA, AB, APTD, or AABD.* Provide that, in determining need and amount of assistance, (i) with respect to payments made to or on behalf of an individual or to or on behalf of another person, for any month, under title I or II of the Economic Opportunity Act of 1964 or under any program asisted under such title, (*a*) the first $85 plus one-half of the excess over $85 will be disregarded and (*b*) any excess over such amount will be taken into consideration in determining the need of any other individual for assistance only to the extent they are made available to or for such other individual (effective July 1, 1969, not applicable; for this purpose payments under title I or II of the Economic Opportunity Act are described in CA Memo 23–A, dated August 26, 1966, issued by the Office of Economic Opportunity); and (ii) training incentive payments and expense allowances made to an individual or to any other person under the Manpower Development and Training Act of 1962, as amended, will be disregarded.

(6) *Disregard of earned income; definition.* Provide that for purposes of disregarding earned income the agency policies will include: (i) A definition of "earned income" in accordance with the provisions of subdivisions (iii) through (viii) of this subparagraph; and

(ii) Provision for disregarding earned income for the period during which it is earned, rather than when it is paid, in cases of lump-sum payment for services rendered over a period of more than 1 month.

(iii) The term "earned income" encompasses income in cash or in kind earned by a needy individual through the receipt of wages, salary, commissions, or profit from activities in which he is engaged as a self-employed individual or as an employee. Such earned income may be derived from his own employment, such as a business enterprise, or farming; or derived from wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as in the instance of sale of farm crops, livestock, or poultry. In considering income from farm operation, the option available for reporting under OASDI, namely the "cash receipts and disbursements" method, i.e., a record of actual gross; of expenses, and of net, is an individual determination and is acceptable also for public assistance.

(iv) With reference to commissions, wages, or salary, the term "earned income" means the total amount, irrespective of personal expenses, such as income-tax deductions, lunches, and transportation to and from work, and irrespective of expenses of employment

which are not personal, such as the cost of tools, materials, special uniforms, or transportation to call on customers.

(v) With respect to self-employment, the term "earned income" means the total profit from business enterprise, farming, etc., resulting from a comparison of the gross income received with the "business expenses," i.e., total cost of the production of the income. Personal expenses, such as income-tax payments, lunches, and transportation to and from work, are not classified as business expenses.

(vi) The definition shall exclude the following from "earned income": Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business (for example, under most circumstances, dividends and interest would be excluded from "earned income"); benefits (not in the nature of wages, salary, or profit) accruing as compensation, or reward for service, or as compensation for lack of employment (for example, pensions and benefits, such as United Mine Workers' benefits or veterans' benefits).

(vii) With regard to the degree of activity, earned income is income produced as a result of the performance of services by a recipient; in other words, income which the individual earns by his own efforts, including managerial responsibilities, would be properly classified as earned income, such as management of capital investment in real estate. Conversely, for example, in the instance of capital investment wherein the individual carries no specific responsibility, such as where rental properties are in the hands of rental agencies and the check is forwarded to the recipient, the income would not be classified as earned income.

(viii) Reserves accumulated from earnings are given no different treatment than reserves accumulated from any other sources.

(7) *Disregard of earned income; method.* (i) Provide that the following method will be used for disregarding earned income: The applicable amounts of earned income to be disregarded will be deducted from the gross amount of "earned income," and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.

(ii) In applying the disregard of income under subparagraph (11) (ii) (*b*) of this paragraph to an applicant for AFDC, there will be a preliminary step to determine whether there is eligibility without the application of any AFDC provisions for the disregard or setting aside of income. If such elegibility exists, the next step is to determine need and the amount of assistance by disregarding income and deducting work expenses in accordance with the method described in subdivision (i) of this subparagraph.

(8) *Disregard of earned income applicable only to OAA, APTD, or AABD.* If the State chooses to disregard earned income, specifiy the amount to be disregarded of the first $80 per month of income that is earned by an aged or disabled individual claiming OAA, APTD, or AABD, who is not blind, but not more than $20 per month plus one-half of the next $60 of such earned income.

(9) *Disregard of income and resources applicable only to APTD or AABD.* If the State chooses to disregard income (which may be additional to the income disregarded under subparagraph (8) of this paragraph) or resources for a disabled individual to achieve the fulfillment of a plan of self-support, provide that the amounts of additional income and resources will not exceed those found necessary for the period during which the individual is actually undergoing vocational rehabilitation, and specify the period, not in excess of 36 months, for which such amounts are to be disregarded.

(10) *Disregard of income and resources applicable only to AB or AABD.* Provide that, in determining the need of individuals who are blind, (i) the first $85 per month of earned income of the individual plus one-half of earned income in excess of $85 per month will be disregarded; and (ii) if the individual has a plan for achieving self-support, such additional income and resources as are necessary to fulfill such plan will be disregarded for a period not in excess of 12 months. Such additional income and resources may be disregarded for an additional period not in excess of 24 months (for a total of 36 months), as specified in the State plan.

(11) *Disregard of income applicable only to AFDC.* (i) Effective until the State plan includes the provision in subdivision (ii) (*b*) of this subparagraph, not later than July 1, 1969, if the State chooses to disregard earned income of dependent children under age 18, specify the amount that is to be disregarded, but not more than $50 per month of income which is earned by any such child and not more than a total of $150 per month of earned income of all such dependent children living together in the same home.

(ii) Effective July 1, 1969, provide for the disregard of earned income as shown in (*a*) and (*b*) of this subdivision. Prior to July 1, 1969, States may elect to disregard earned income in accordance with the provisions as stated in such (*a*) or (*b*) of this subdivision, or both, or neither: (*a*) All of the earned income of any child receiving AFDC if the child is a full-time student or is a part-time student who is not a full-time employee. A student is one who is attending a school, college or university or a course of vocational or technical training designed to fit him for gainful employment and includes a participant in the Job Corps program under the Economic Opportunity Act of 1964. A full-time student must have a school schedule that is equal to a full-time curriculum. A part-time student must have a school schedule that is equal to at least one-half of a full-time curriculum; (*b*) the first $30 of the total of earned income for a month of all other individuals whose needs are included in the family grant, plus one-third of the remainder of their earned income for the month; except that (*1*) the State agency will not disregard earned income for a month of any one of the persons in a family as provided in (*b*) of this subdivision if such a person (*i*) terminated his employment or reduced his earned income without good cause within the period of 30 days preceding such month; or (*ii*) refused without good cause within the period of 30 days preceding such month to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the State or local agency administering the State plan, after notification by him, to be a bona fide offer of employment; and (2) the State agency will not disregard earned income for a month of the persons in a family as provided in (*b*) of this subdivision if the total income of such persons for such month exceeds their need as determined without application of any provisions for disregarding or setting aside of income unless for any one of the four preceding months their needs were met in whole or in part by an AFDC payment.

(iii) If any portion of an AFDC family's income is to be conserved for the future identifiable needs of a child, specify the needs and amount and type of income to be conserved and provide that such amount will be reasonable for the purpose for which it is being conserved.

(iv) Earned income for purposes of this subparagraph (11) includes training incentive payments and work allowances under the MDTA, payments under the Economic Opportunity Act of 1964, including payments to beneficiaries of assistance under that act, or earnings under title I of the Elementary and Secondary Education Act, but does not include incentive payments or earnings derived from participation in Institutional and Work Experience Training or Special Work Projects under the Work Incentive Programs established under part C of title IV of the Social Security Act.

(b) *Federal financial participation; General.* (1) Federal participation will be available in financial assistance payments made on the basis that (after application of policies governing the allowable reserve, disregard or setting aside of income and resources), all income of the needy individual, together with the assistance payment, do not exceed the State's defined standard of assistance, and availbale resources of the needy individuals do not exceed the limits under the State plan.

(2) Federal participation is available within the maximums specified in the Federal law, when the payments do not exceed the amount determined to be needed under the statewide standard, and are made in accordance with the State method for determining the amount of the payment.

(3) Federal participation is available in financial assistance payments made on

the basis of the need of the individual. This basis may include consideration of needy persons living in the same home with the recipient when such other persons are within the State's policy as essential to his well-being. Persons living in the home who are "essential to the well-being of the recipient," as specified in the State plan, will govern as the basis for Federal participation (see Guides and Recommendations). When the State includes persons living outside the home or persons not in need, Federal participation is not available for that portion of financial assistance payments attributable to such persons, and the State's claims must, therefore, identify the amounts of any such nonmatchable payments.

(4) The amount of the payments by the agency to the recipient representing support payments received by the agency is not subject to Federal financial participation. The normal procedure followed under these circumstances is to pay the gross needs amount and claim this amount for Federal financial participation and then handle the support payment as a refund and adjust the Federal share on this basis.

(c) *Federal financial participation in vendor payments for home repairs.* With respect to expenditures made after December 31, 1967, expenditures to a maximum of $500 are subject to Federal financial participation at 50 percent for repairing the home owned by an individual who is receiving aid or assistance (other than Medical Assistance for the Aged) under a State plan for OAA, AFDC, AB, APTD, or AABD if:

(1) Prior to making the expenditures the agency determined that: (i) The home is so defective that continued occupancy is unwarranted; (ii) unless repairs are made the recipient would need to move to rental quarters; and (iii) the rental cost of quarters for the recipient (including the spouse living with him in such home and any other individual whose needs were considered in determining the recipient's need) would exceed (over a period of 2 years) the repair costs needed to make such home habitable together with other costs attributable to continued occupancy of such home.

(2) No expenditures for repair of such home were made previously pursuant to a determination as described in subparagraph (1) of this paragraph. This does not preclude more than one payment made at the time repairs are made pursuant to the determination, e.g., separate payments to the roofer, the electrician, and the plumber.

(3) Expenditures for home repairs are authorized in writing by a responsible agency person, records show the eligible person in whose behalf the home repair expenditure was made, and there is sufficient evidence that the home repair was performed.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in this section shall be effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 15, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-1205; Filed, Jan. 28, 1969; 8:51 a.m.]

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Supplementation of Payments Made to Skilled Nursing Homes; State Plan Requirements

Interim Policy Statement No. 18 modifying current implementation of section 1902(a) of the Social Security Act with respect to the supplementation of payments made to skilled nursing homes was published in the FEDERAL REGISTER of October 4, 1968 (33 F.R. 14894). The interim policy provided for postponement of the date after which a State plan for medical assistance under the Act must provide for the acceptance of State payments by providers of nursing home care as payment in full. After consideration of views received, such regulations are hereby codified by adding a new § 249.31 to Part 249 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 249.31 Supplementation of payments made to skilled nursing homes; State plan requirements.

A State plan for medical assistance under title XIX of the Social Security Act must provide that participation in the program will be limited to providers of service who accept, as payment in full, the amounts paid in accordance with the fee structure, except that, with respect to payment for care furnished in skilled nursing homes, existing supplementation programs will be permitted until January 1, 1971, where the State has determined and advised the Secretary of Health, Education, and Welfare that its payments for skilled nursing home services furnished under the plan are less than the reasonable cost of such services permitted under Federal regulations, and the State has, prior to 1971, provided the Secretary with a plan for phasing out such supplementation within a reasonable period after January 1, 1971.

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Effective date. The regulations in this section are effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 15, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-1113; Filed, Jan. 28, 1969; 8:48 a.m.]

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Direct Payment to Certain Recipients for Physicians' or Dentists' Services

Interim Policy Statement No. 11 setting forth regulations with respect to direct payments to title XIX recipients for physicians' or dentists' services was published in the FEDERAL REGISTER of September 7, 1968 (33 F.R. 12751). No views having been received from any person, such regulations are hereby codified by adding a new § 249.32 in Part 249 of Chapter II of Title 45 of the Code of Federal Regulations as set forth below.

§ 249.32 Direct payment to certain recipients for physicians' or dentists' services.

(a) *State plan requirements.* If a State, under its program of medical assistance under title XIX of the Social Security Act, elects to make direct payments to individuals who are not receiving assistance under the State's plan approved under titles I, X, XIV, XVI, or part A of title IV of the Act for physicians' or dentists' services, the State plan for medical assistance must so provide and must specify the conditions under which payments will be made. Such payments to individuals are in all respect viewed as an alternative to payments made by the State agency directly to the physicians or dentists, and are subject to the same conditions. For example, the payments may not exceed the reasonable charge for such services established by the single State agency.

(b) *Federal financial participation.* Effective January 2, 1968, Federal financial participation is available for direct payments to individuals who are not receiving assistance under the State's plan approved under titles I, X, XIV, XVI, or part A of title IV of the Act, for physicians' or dentists' services in those States which elect to make such direct payments. Direct payments must be supported by medical bills for services provided under the plan.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in this part are effective on the date of their publication in the FEDERAL REGISTER.

Dated: January 14, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 17, 1969.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 69-1111; Filed, Jan. 27, 1969; 8:48 a.m.]

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

FEDERAL CREDIT UNION OPERATIONS

On December 14, 1968, notice of proposed rule making regarding Federal credit union operations was published in the FEDERAL REGISTER (33 F.R. 18587). After consideration of all relevant comments made by interested persons, the amendments to the rules and regulations for Federal Credit Unions are hereby adopted, subject to the following changes:

1. In the fourth sentence of paragraph (a) of § 301.12, the words "made available" are changed to "submitted".

2. In paragraph (a) of § 301.12, a sentence is added at the end as follows: "A summary of the report of the second audit also shall be submitted to the members at the next annual meeting."

3. In paragraph (a) of § 301.29, all after "delegatee," is changed to read: "*Provided,* That the aggregate of the unpaid balances of notes purchased hereunder shall not exceed 5 percentum of the unimpaired capital and surplus of the purchasing Federal credit union."

4. The last sentence of paragraph (b) of § 301.30 is changed by inserting after the word "construction" the words "and safety".

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated: January 14, 1969.

J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: January 14, 1969.

ROBERT M. BALL,
Commissioner of
Social Security.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary of Health,
Education, and Welfare.

PART 300—DEFINITIONS

Part 300 of Chapter III of Title 45 is amended as follows:

1. Section 300.1 is amended by adding after paragraph (f) the following new paragraph:

§ 300.1 Definitions.

* * * * *

(g) The term, "credit union," means a credit union chartered under the Federal Credit Union Act or, as the context permits, under the laws of any State.

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Part 301 of Chapter III of Title 45 is amended as follows:

1. Section 301.9 is revised as follows:

§ 301.9 Loans by Federal credit unions to other credit unions.

(a) Upon authorization of its board of directors, or a duly authorized and appointed executive committee, a Federal credit union may invest its funds in loans to other credit unions in the total amount not exceeding 25 percent of its paid-in and unimpaired capital and surplus. The terms of the loans shall not exceed 1 year.

(b) Prior to making such loans, the Federal credit union shall require the borrowing credit union to furnish the following:

(1) A current financial and statistical report;

(2) A certified copy of the resolution of the board of directors or the executive committee authorizing such borrowing; and

(3) A certificate from the secretary of the credit union that the persons negotiating the loan and executing the note are officers of the credit union and are authorized to act in its behalf, and that such borrowing does not exceed the maximum borrowing power of the borrowing credit union.

2. Section 301.10 is revised as follows:

§ 301.10 Establishment of a cash fund.

The board of directors of a Federal credit union may authorize the establishment of or changes in a cash fund for making change, cashing checks, or other purposes. Before such authorization is given, the directors will consider whether a need for the fund exists and will insure that adequate safeguards and accountability will exist to protect the fund.

3. Section 301.12 is revised to read as follows:

§ 301.12 Supervisory committee audits.

(a) The supervisory committee of each Federal credit union shall make or cause to be made, as a minimum, two audits each calendar year. These audits shall be made as of the dates and in accordance with the standards outlined in the "Supervisory Committee Manual for Federal Credit Unions" (FCU–545). One audit shall be a comprehensive annual audit, covering the period elapsed since the last comprehensive annual audit. A report of this audit on Form FCU–701 shall be promptly made to the board of directors of the Federal credit union, and, upon request, to the Regional Representative. A summary of the report shall be submitted to the members at the next annual meeting. A report of the second audit shall be promptly made to the board of directors on Form FCU–702, and, upon request, to the Regional Representative. A summary of the report of the second audit also shall be submitted to the members at the next annual meeting.

(b) The supervisory committee is responsible for the preparation and maintenance of work papers used in the audits. These work papers shall be made available by the committee for review by the Federal Credit Union Examiner during his supervisory examination.

(c) The supervisory committee shall conduct supplementary audits upon request of the Director. The committee also may conduct additional audits on its own initiative.

4. Paragraph (e) of § 301.20 is revised as follows:

§ 301.20 Surety bond coverage for Federal credit unions.

* * * * *

(e) The schedule of coverage set forth in paragraph (f) of this section shall not be deemed to cover cash funds of $1,000 or more. When the cash fund is $1,000 or more, additional coverage—to the full amount of the fund—will be required.

* * * * *

5. In § 301.21, paragraph (d)(3) is amended and paragraphs (f) and (g) are added as follows:

§ 301.21 Payment or amortization of loans.

* * * * *

(d) * * *

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, and to the extent that the board of directors by resolution approves, loans for the purpose of higher education and vocational education of the member-borrower may be made within maturities permitted by the Act and on such terms of payment or amortization as the credit committee, or a duly authorized and appointed loan officer, finds consonant with the needs of the member-borrower and the best interests of the credit union.

* * * * *

(f) A secured loan is one secured by collateral or the endorsement of a person on behalf of the borrower which will serve as a source of recovery in the event of default by the borrower. The files of each Federal credit union shall contain evidence of the value of the security pledged—if collateral—or evidence of the financial responsibility of the endorser for each secured loan.

(g) Secured loans made for periods in excess of 5 years but not exceeding 10 years shall not be made for normal consumer-type purchases and expenditures. Examples of extraordinary purposes for which loans with maturities in excess of 5 years but not exceeding 10 years may be granted include home improvements, the purchase of mobile and seasonal homes, vocational and higher education, and other similar large-cost undertakings. In general, the terms, maturities, and conditions of secured loans made by a Federal credit union for longer than 5 years shall be in accord with the prevailing lending practices (with respect to the purposes of the loans) in the area being served by the credit union.

6. At the end of § 301.28, two new sections are added as follows:

§ 301.29 Purchase of notes of a liquidating credit union.

(a) The board of directors of a Federal credit union may authorize the purchase of notes made by individual members of a liquidating credit union at such prices as may be agreed upon by the

board of directors of the purchasing Federal credit union and by the board of directors of the liquidating credit union or its delegatee: *Provided,* That the aggregate of the unpaid balances of notes purchased hereunder shall not exceed 5 percentum of the unimpaired capital and surplus of the purchasing Federal credit union.

(b) The purchases shall be subject to the following conditions.

(1) In order to assure proper continuance of services to its members, the board of directors shall determine that the funds to be used by the purchasing Federal credit union are surplus to the anticipated needs of its members for loans and share withdrawals.

(2) The combined balances of the regular reserve and the special reserve for delinquent loans (if any) of the purchasing Federal credit union shall be in an amount at least equal to the regular and special reserves required by § 302.3 of this chapter.

(3) In order to assure efficient and economical servicing of the notes purchased (including payment and collection), the individuals whose notes are purchased shall have a reasonably close geographical, residential, or employment, or other reasonably close, relationship with the purchasing Federal credit union.

(4) The notes of liquidating credit unions purchased shall not exceed the limitations of the Federal Credit Union Act with respect to security and maturity requirements for Federal credit unions.

(5) The purchase and collection of notes of liquidating credit unions shall be accounted for in the manner prescribed by the "Accounting Manual for Federal Credit Unions."

(c) The purchase of notes of individual members of a liquidating credit union may be by individual or by block selection and may be in participation with other credit unions in the purchase of an undivided interest subject, however, to a limitation of 5 percent of the unimpaired capital and surplus of the purchasing Federal credit union and the conditions and limitations of this section.

§ 301.30 Safe deposit box service.

(a) A Federal credit union may lease safe deposit boxes to its members and may charge a fee which does not exceed the direct and indirect costs incident to providing this service.

(b) The safe deposit boxes will be located in a vault on the premises where the credit union maintains an office for the transaction of business with its members. Such vault will be used exclusively for the safe deposit box rental service. Space will be provided whereby the tenants or deputies, if any, can have access to the contents of their specific safe deposit boxes in private. The vault and safe deposit boxes shall meet the minimum construction and saftey standards specified by the insurance company writing the liability insurance mentioned in subparagraph (c) (6) of this section.

(c) Adequate records and safeguards will be maintained for the proper protection of both the Federal credit union and the members utilizing the service. Among such records and safeguards will be:

(1) The lease of a safe deposit box shall be in writing and among other provisions shall provide for the signatures of the tenants and their deputies, if any, who are to have access to the safe deposit box.

(2) The lease shall also specify the maximum amount of damages of the tenant for which the landlord (credit union) might be legally liable.

(3) A written record will be maintained which will show the time and date of entry and the signature of the authorized person (tenant or deputy) each time access is made to a safe deposit box.

(4) Two different types of keys will be used to open each safe deposit box. One type of key will be retained by the landlord (credit union) and the other type by the tenant or his deputy, if any.

(5) Tenants or deputies will not be permitted to enter the safe deposit vault unless they are accompanied by a vault attendant employee of the landlord (credit union) who will participate in opening the safe deposit box by utilization of the key retained by the landlord (credit union).

(6) The Federal credit union, to the extent necessary in addition to its regular surety bond coverage required by § 301.20, will carry insurance which will: (i) Fully protect the credit union against any and all legal liabilities pertaining to the rental of safe deposit boxes and in an amount at least equal to the total maximum amount of damages which might be incurred under all the safe deposit box leases currently in effect, and (ii) fully protect the tenant from loss not covered by legal liability of the landlord (credit union) in an amount at least equal to the maximum legal liability of the landlord (credit union) as specified in the lease.

PART 307—CONVERSION FROM STATE TO FEDERAL

7. Paragraph (a) of § 307.3 is amended as follows:

§ 307.3 Information required with preliminary application.

(a) * * * (2) a list of all outstanding unsecured loans with unpaid balances in excess of the ceilings provided by section 15 of the Act; (3) a list of all outstanding loans with maturities in excess of 5 years (for unsecured loans) and 10 years (for secured loans); * * *

* * * * *

PART 350—CREDIT UNIONS CHARTERED BY THE DISTRICT OF COLUMBIA

8. Part 350—Credit Unions Chartered by the District of Columbia, and all references thereto, are hereby deleted from the Code of Federal Regulations.

[F.R. Doc. 69-1060; Filed, Jan. 28, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of Hearing for Miscellaneous Changes in and Reissuance of Regulations

Correction

In F.R. Doc. 69-814 appearing at page 1040 of the issue for Thursday, January 23, 1969, in § 5.11 insert the following definition in alphabetical order:

Act. The Federal Alcohol Administration Act.

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Proposed Listing of Phencyclidine and Its Salts as Subject to Control

The Bureau of Narcotics and Dangerous Drugs has recommended, on the basis of its investigations and the recommendations of an advisory committee appointed pursuant to section 511(g) (1) of the Federal Food, Drug, and Cosmetic Act, that the drug set forth below be listed as a "depressant or stimulant" drug within the meaning of section 201(v) of the Act because of its depressant effect on the central nervous system. Having considered such recommendations, pursuant to the provisions of the Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), it is proposed that § 320.3(c) (1) be amended by alphabetically inserting in the list of drugs a new item, as follows:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(1) Depressant effect on the central nervous system:

Established name	*Some trade and other names*
Phencyclidine and its salts.	1-(1-Phenylcyclohexyl) Piperidine; Sernyl; Sernylan; GP-121; CI-395; PCP; "Peace Pill."

* * * * *

All interested persons are invited to submit their views in writing regarding this proposal. Comments concerning any additional trade or other names that may be properly listed for the subject drugs are also invited. Views and comments should be submitted, preferably in quintuplicate, addressed to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, D.C. 20537, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: January 22, 1969.

HENRY L. GIORDANO,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-1142; Filed, Jan. 28, 1969; 8:45 a.m.]

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Proposed Listing of Phencyclidine and Its Salts as Subject to Control

The Bureau of Narcotics and Dangerous Drugs has recommended, on the basis of its investigations and the recommendations of an advisory committee appointed pursuant to section 511(g) (1) of the Federal Food, Drug, and Cosmetic Act, that the drug set forth below be listed as a "depressant or stimulant" drug within the meaning of section 201(v) of the Act because of its hallucinogenic effect. Having considered such recommendations, pursuant to the provisions of the Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), it is proposed that § 320.3(c) (3) be amended by alphabetically inserting in the list of drugs a new item, as follows:

§ 320.3 Listing of drugs defined in section 201(v) of the Act.

* * * * *

(c) * * *

(3) Hallucinogenic effect.

Established name	*Some trade and other names*
Phencyclidine and its salts.	1-(1-Phenylcyclohexyl) Piperidine; Sernyl; Sernylan; GP-121; CI-395; PCP; "Peace Pill."

* * * * *

All interested persons are invited to submit their views in writing regarding this proposal. Comments concerning any additional trade or other names that may be properly listed for the subject drugs are also invited. Views and comments should be submitted, preferably in quintuplicate, addressed to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, D.C. 20537, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: January 22, 1969.

HENRY L. GIORDANO,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 69-1141; Filed, Jan. 28, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1120, 1132]

MILK IN LUBBOCK-PLAINVIEW, TEX., AND TEXAS PANHANDLE MARKETING AREAS

Notice of Proposed Termination of Certain Provisions of the Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the orders regulating the handling of milk in the Lubbock-Plainview, Tex., and Texas Panhandle marketing areas is being considered.

The provisions proposed to be terminated relate to the seasonal base and excess plan of payment to producers contained in each order and are as follows:

I. In Part 1120—Milk in the Lubbock-Plainview, Tex., Marketing Area:

1. Sections 1120.19 and 1120.20.

2. The "(s)" and the "(all)" in § 1120.27(j) (2).

3. In § 1120.30(a) (1) (i), the provision ", and after March 1, 1963, for the months of March through June, the aggregate quantities of base and of excess milk".

4. In § 1120.31(a) (1) (ii), the provision ", including for the months of March through June his total pounds of base and excess milk".

5. In § 1120.60, the reference "1120.65 through 1120.67,".

6. The centerheading Determination of Base preceding § 1120.65 and §§ 1120.65, 1120.66, and 1120.67.

7. In the introductory text of § 1120.71, the "(s)" at the end of the word "price".

8. In § 1120.72(b), the provision "except for the months of March through June".

9. Section 1120.73.

10. In § 1120.75(a), the provision "and the uniform price for base milk determined pursuant to § 1120.73".

11. In the introductory text of § 1120.80(a)(2), the "(s)" at the end of the word "prices" and the provision "and 1120.73".

12. In § 1120.80(d)(3), the provision ", including for the months of March through June, the pounds of base and excess milk".

II. In Part 1132—Milk in the Texas Panhandle Marketing Area:

1. Sections 1132.18 and 1132.19.

2. In § 1132.27(j)(2), the letter "s" at the end of the word "months" and the provision "of July through February".

3. Section 1132.27(j)(3).

4. In § 1132.30(a), the provision ", and the aggregate quantities of base and excess milk".

5. In § 1132.31(b)(1)(ii), the provision ", including, for the months of March through June, the total pounds of base and excess milk".

6. In § 1132.60, the reference "through 1132.73, 1132.80" and the reference "1132.95 through 1132.97".

7. In § 1132.72(b), the provision ", except for the months of March through June,".

8. Section 1132.73.

9. In the introductory text of § 1132.80 (b) preceding subparagraph (1), the letter "s" at the end of the word "prices" and the provision "and 1132.73".

10. In § 1132.80(d)(2), the provision ", including for the months of March through June, the pounds of base milk and excess milk".

11. In § 1132.82(a), the provision "and the uniform price for base milk pursuant to § 1132.73".

12. In § 1132.84(b)(1), the letter "s" at the end of the word "prices".

13. The centerheading Determination of Base preceding 1132.95 and §§ 1132.95, 1132.96, and 1132.97.

A cooperative association which represents all but one of the producers on the Lubbock-Plainview market and all of the producers on the Texas Panhandle market has requested termination of the base-excess plans of these two orders. It states that the orders' base-excess plans conflict with a Class I base plan administered by the cooperative which is now the basis for division of returns among its member producers.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 24, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69–1196; Filed, Jan. 28, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–WE–103]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Visalia, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The duty hours of United Air Lines personnel who are responsible for weather reporting service at Visalia Airport, Calif., are subject to frequent changes dependent on seasonal airline schedule changes. The FAA therefore proposes to utilize the NOTAM to designate the effective hours of the control zone to coincide with the hours of operation of United Air Lines personnel and eliminate the lengthy rule making process.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 18982) the Visalia, Calif., control zone is amended by deleting "* * * from 0700 to 2100 hours local time daily." and substituting therefor, "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 16, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–1161; Filed, Jan. 28, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–1]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to the Federal Aviation Regulations that would alter the description of the Lake Tahoe, Calif., control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The hours of the control tower are currently from 0600 to 2200 hours local time daily. It is expected, however, that changes in the hours of operation will be necessary in the future and the use of the NOTAM is proposed to designate these changes when required. The NOTAM will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower and eliminate the lengthy rule-making process.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 16109) the description of the Lake Tahoe, Calif., control zone is amended by deleting "* * * 0600 to 2200 hours, local time, daily." and substituting therefor "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c), of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-1162; Filed, Jan. 28, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-119]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Manistee, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new public use instrument approach procedures have been developed for Manistee-Blacker Airport, Manistee, Mich., utilizing a new VOR as a navigational aid. In addition, the new VOR will provide adequate communications for the designation of a control zone at Manistee. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing these new approach procedures by designating a control zone and altering the transition area at Manistee, Mich. North Central Airlines has agreed to provide weather reporting service for the control zone. The new procedures will become effective concurrently with the designation of the control zone and the alteration of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is added:

MANISTEE, MICH.

Within a 5-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles east of the VOR. This control zone is each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

MANISTEE, MICH.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-1163; Filed, Jan. 28, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-118]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Macomb, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Macomb, Ill., Municipal Airport using a city-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Macomb, Ill. The new procedure will become effective concurrently with the designation of the transition area. The Chicago ARTC Center through the Burlington, Iowa, Flight Service Station will control IFR traffic into and out of Macomb Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

MACOMB, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40°-31'10" N., longitude 90°39'15" W.); and within 2 miles each side of the 085° bearing from Macomb Municipal Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the 085° bearing from Macomb Municipal Airport, extending from the airport to 12 miles east of the airport, excluding the portion which overlies the Burlington, Iowa, transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-1164; Filed, Jan. 28, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-120]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Perry, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Perry, Iowa, Municipal Airport using a city-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Perry, Iowa. The new procedure will become effective concurrently with the designation of the transition area. The Des Moines approach control facility will control IFR traffic into and out of Perry Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

PERRY, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49' 30" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 147° bearing from Perry Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portions which overlie the Jefferson, Iowa, transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Kansas City, Mo., on December 27, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 69-1165; Filed, Jan. 28, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a 700-foot transition area for Porterville Municipal Airport, Calif.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

The 700-foot transition area is required to provide controlled airspace for aircraft executing the prescribed VOR instrument approach procedure while operating below 1,500 feet above the surface.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2137) the following transition area is added:

PORTERVILLE, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343° radial extending from the 5-mile radius area to 1 mile north of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-1166; Filed, Jan. 28, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

ISSUE OF U.S. SECURITIES BEARING FACSIMILE SIGNATURE OF FORMER SECRETARIES OF THE TREASURY

Pursuant to the provisions of 5 U.S.C. 301, I hereby authorize, in the issue of U.S. securities under the Second Liberty Bond Act, as amended, which is codified in 31 U.S.C., Chapter 12, the use of all stocks on hand, or on order, bearing the signature of former Secretaries of the Treasury, (a) where such securities are issued as an additional issue, or under a continuing offer; and (b) where such securities are to be issued pursuant to a new offer hereafter made and stocks therefor bearing my signature are not available for timely delivery.

This authorization shall be effective immediately.

Dated: January 22, 1969.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 69-1179; Filed, Jan. 28, 1969; 8:49 a.m.]

POST OFFICE DEPARTMENT

SHIPMENT OF FIREARMS TO AND FROM MILITARY POST OFFICES

The general prohibition (33 F.R. 14653) against the shipment of firearms to and from all military post offices has been withdrawn.

Mail of all classes addressed to the following APO's may not contain firearms of any type:

09016	96204	96321	96621
09038	96205	96322	96622
09051	96217	96326	96623
09224	96221	96332	96624
09254	96222	96337	96625
09289	96223	96348	96626
09294	96226	96349	96627
09329	96227	96362	96628
09338	96236	96368	96629
09380	96243	96383	96669
09616	96295	96385	96694
09665	96307	96444	96695
09672	96309	96477	96696
09688	96314	96492	96697
09697	96315	96493	96699
96201	96316	96495	
96203	96320	96530	

However, firearms to other military post offices may still be mailed subject to the provisions of §§ 125.5 and 125.9, of Title 39, Code of Federal Regulations.

Part 127 of Title 39, Code of Federal Regulations, will be appropriately amended.

(5 U.S.C. 301; 18 U.S.C. 1715, 1716; 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 69-1181; Filed, Jan. 28, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Order Opening Public Lands

JANUARY 21, 1969.

1. In an exchange of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands were reconveyed to the United States:

MOUNT DIABLO MERIDIAN

(NEVADA 043550)

T. 30 N., R. 44 E.,
Sec. 25, SE¼.
T. 30 N., R. 45 E.,
Sec. 1, all;
Sec. 11, W½;
Sec. 15, N½, SW¼;
Sec. 17, SE¼;
Sec. 19, SE¼;
Sec. 21, NW¼;
Sec. 29, NW¼;
Sec. 31, lots 1, 2, E½NW¼.
T. 31 N., R. 46 E.,
Sec. 3, all;
Sec. 15, all;
Sec. 21, SE¼;
Sec. 27, NW¼;
Sec. 29, all;
Sec. 31, E½, SE¼SW¼.
T. 32 N., R. 46 E.,
Sec. 23, all;
Sec. 27, all, except a strip of land 400 feet wide containing 4.96 acres lying equally on each side of the center line of CPRR Co.'s railroad as now constructed.

The areas described aggregate 6,351.97 acres.

2. The lands are located along the west slopes of the Shoshone Range in Reese River Valley, from 9 to 12 miles east and south of Battle Mountain, Nev. The terrain is sloping to nearly flat with an elevation range of 4,700 to 5,100 feet.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to operation of the public land laws generally. All valid applications received at or prior to 10 a.m. on February 25, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69-1138; Filed, Jan. 28, 1969; 8:45 a.m.]

[Grazing District 6]

NEW MEXICO

Modification of Grazing District Boundary; Correction

JANUARY 22, 1969.

In F.R. Doc. 68-13258 appearing on pages 16092 and 16093 of the FEDERAL REGISTER issue of Friday, November 1, 1968, the following correction should be made:

Change:

T. 12 S., R. 20 E.,
Secs. 2 to 11, 14 to 23, and 25 to 36, inclusive.

To read:

T. 12 S., R. 20 E.,
Secs. 2 to 11, 14 to 23, and 26 to 36, inclusive.

W. J. ANDERSON,
State Director.

[F.R. Doc. 69-1139; Filed, Jan. 28, 1969; 8:45 a.m.]

WASHINGTON

Notice of Filing of Plat

JANUARY 22, 1969.

1. Plat or survey of the land described below will be officially filed in the Land Office, Portland, Oreg., effective at 10 a.m., February 27, 1969.

WILLAMETTE MERIDIAN

T. 35 N., R. 3 W.,
Sec. 36, lot 5.

The area described aggregates 0.02 acres of public land.

2. The land described above is an island called Halftide Rock. The island rises about 6 feet above high water level, and is barren rock devoid of all vegetation.

3. The land is under lease to the State of Washington under the authority of the Recreation and Public Purposes Act.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 69-1140; Filed, Jan. 28, 1969; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. A-483]

CURTIS G. AND FREDERICK O. MILLER

Notice of Loan Application

JANUARY 22, 1969.

Curtis G. Miller and Frederick O. Miller, Box 257, Yakutat, Alaska 99689, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.1-foot registered length wood vessel to engage in the fishery for salmon and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 69-1137; Filed, Jan. 28, 1969; 8:45 a.m.]

Office of the Secretary

ROADBUILDING IN NATIONAL PARKS

Adoption of Procedures

The procedures adopted herein are designed to ensure effective public participation in determining the location and design of major road projects in the National Park System administered by the Department of Interior. In addition, they require that full consideration be given to the potential social, economic, and environmental effects of each proposed project.

The following procedures are adopted, effective immediately, and apply to all major road projects in the National Park System administered by the Department of Interior.

1. *Coordination required.* When the National Park Service begins considering the development or improvement of a major road it shall solicit the views of those Federal, State, and local agencies that it believes might be interested or affected by the development or improvement. A mailing list will be maintained upon which any such agency may enroll, upon request, to receive notice of projects in any area specified by that agency.

2. *Public hearings required.* a. Both a corridor public hearing and a design public hearing will be held, or an opportunity afforded for those hearings, with respect to each major road project that:

(1) Is on a new location; or

(2) Would have a substantial social, economic, or environmental effect.

b. A single combined corridor and design public hearing will be held, or the opportunity for such a hearing afforded, on all other projects before a location is approved, except as provided in subparagraph 2.c. below.

c. Hearings are not held on a project that is solely for such improvement as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, and installing traffic control devices or similar improvements, if the project would not have a substantial social, economic, or environmental effect.

d. An opportunity for another public hearing will be afforded in any case where proposed locations or designs are so changed from those presented, in the notices specified below or at a public hearing, as to have a substantially different social, economic, or environmental effect.

3. *Notice requirements.* a. The requirement for a public hearing will be met by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

b. A notice of public hearing, or of the opportunity for such a hearing, will be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking.

c. A notice of public hearing will include a description of the project and will specify that maps, drawings, other pertinent information, and the written views received as a result of the coordination outlined in paragraph 1 will be available for public inspection and copying and will specify where this information is available.

d. In addition to publishing a formal notice of public hearings, copies of the notice will be mailed to appropriate news media, and those resource, recreation, and planning agencies in the area concerned. Copies will also be mailed to other Federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the National Park Service believes might be interested in or affected by the proposal. The National Park Service will maintain a mailing list upon which any Federal agency, local public official, public advisory group or agency, civic association or other community group may enroll, upon its request, to receive notice of projects in any area specified by that agency, official or group.

4. *Conduct of public hearing.* a. Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

b. Provision will be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions will be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits will be at least 10 days after the public hearing.

c. At each required corridor public hearing, pertinent information about location alternatives studied by the National Park Service will be made available. At each required design public hearing information about design alternatives studied by the National Park Service will be made available.

5. *Consideration of social, economic, and environmental effects.* The National Park Service will give full consideration to all social, economic, and environmental effects before approving a proposed location or design, whether or not a public hearing has been held. Consideration of social economic, and environmental effects will include an analysis of information and views submitted to the National Park Service in connection with public hearings and in response to the coordination required by paragraph 1. All other pertinent information will also be fully considered.

6. *Notice of approval.* In cases where a public hearing was held, or the opportunity for a public hearing afforded, the National Park Service will publish notice of the approval of the major road location or design, or both, in a newspaper meeting the requirements of paragraph 3.b. within 10 days after that approval. The notice will include a narrative description of the location and/or design, as approved. Where practicable, a map or sketch of that location or design will be included. In any event, the publication will state that such maps or sketches as well as all other information concerning the approval is publicly available at a convenient location.

7. *Definitions.* a. A "corridor public hearing" is a public hearing that:

(1) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the general location of, a major road; and

(2) Provides a public forum that affords a full opportunity for presenting views on each of the proposed alternative locations, and the social, economic, and environmental effects of those alternate locations.

b. A "design public hearing" is a public hearing that:

(1) Is held after the major road location has been approved, but before design approval;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the

process of determining the specific location and major design features of a major road; and

(3) Provides a public forum that affords a full opportunity for presenting views on alternative design features, including the social, economic, environmental, and other effects of alternate designs.

c. "Social, economic, and environmental effects" means the direct and indirect benefits or losses, such as:

(1) Public health, safety, and welfare.

(2) Conservation (including erosion, sedimentation, wildlife and general ecology of the area).

(3) Use of recreational areas and parks.

(4) Natural and historic landmarks.

(5) Aesthetics.

(6) Noise, and air and water pollution.

(7) Fire protection.

(8) Fast, safe, and efficient transportation.

(9) Engineering, right-of-way, and construction costs of the project and related facilities.

(10) Maintenance and operating costs of the project and related facilities.

(11) Operation and use of existing road facilities and other transportation facilities during construction and after completion.

d. "Major roads" means the main entrance roads and arteries of the park circulation system.

This list of effects is not meant to be exclusive, nor does it mean that each effect considered will be given equal weight in making a determination upon a particular major road location or design.

These procedures are adopted by authority of Act of August 25, 1916 (39 Stat. 535), as amended.

Issued in Washington, D.C., on January 18, 1969.

STEWART L. UDALL,
Secretary of Interior.

[F.R. Doc. 69-1177; Filed, Jan. 28, 1969; 8:49 a.m.]

FISHERY FAILURE

Determination of Whirling Disease as Resource Disaster

JANUARY 17, 1969.

Whereas, approximately 7 million pounds of trout are produced annually in the United States by commercial trout growers; and

Whereas, whirling disease is resulting in a substantial economic loss in several segments of the commercial trout industry because of fish mortality and loss of market value; and

Whereas, the danger of spread of whirling disease to State, Federal, and private hatchery facilities as well as to wild stocks of trout and salmon throughout the United States is clearly evident; and

Whereas, effective remedial techniques are known; and

Whereas, whirling disease is a natural cause of a resource disaster;

Now, therefore, as Secretary of the Interior, I hereby determine that whirling disease now constitutes a resource disaster within the meaning of section 4(b) of the Commercial Fisheries Research and Development Act. Pursuant to this determination, I hereby authorize the use of funds appropriated under the aforementioned Act to provide relief and assistance toward the control and elimination of whirling disease in the United States.

STEWART L. UDALL,
Secretary of Interior.

[F.R. Doc. 69-1174; Filed, Jan. 28, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, NUMBER OF ESTABLISHMENTS, CAPITAL EXPENDITURES, CHANGES IN FIXED ASSETS, AND RENTAL PAYMENTS

Notice of Determination

In accordance with title 13, United States Code, sections 181, 224, and 225 and due notice of consideration having been published December 4, 1968 (33 F.R. 18061), I have determined that certain 1968 annual data for retail trade are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted each year since 1951, and makes available on a comparable classification basis data covering 1968 year-end inventories, annual sales, and number of retail stores operated at the end of the year. Additional items requesting capital expenditures, changes in fixed assets, and rental payments are included as supplemental data for the 1967 Census of Business. These data are not publicly available on a timely basis from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of retail firms in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size, selection in Census list sample mail panel, and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participants in the Bureau's monthly survey will be asked to report in total only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting these data.

Dated: January 15, 1969.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 69-1133; Filed, Jan. 28, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

5,6 - DICHLORO - 1 - PHENOXYCARBONYL-2-TRIFLUOROMETHYLBENZIMIDAZOLE

Notice of Extension of Temporary Tolerance

The Fisons Corps., 51 Eames Street, Wilmington, Mass. 01887, was granted a temporary tolerance of 0.75 part per million for residues of the insecticide 5,6-dichloro-1-phenoxycarbonyl-2-trifluoromethyl-benzimidazole in or on apples on May 21, 1968 (notice was published in the FEDERAL REGISTER of May 28, 1968; 33 F.R. 7776), which expires May 21, 1969.

The firm has requested a 1-year extension of the temporary tolerance (1) to provide for further experimentation to obtain additional toxicity and residue data and (2) to evaluate prebloom application in terms of effectiveness and resultant residues. The Commissioner of Food and Drugs has determined that such an extension of the temporary tolerance will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Fisons Corp. name.

This temporary tolerance expires on May 21, 1970.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346 a(j)) and delegated to the Commissioner (21 CFR 2.120).

Dated: January 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-1202; Filed, Jan. 28, 1969; 8:51 a.m.]

ANTHELIN

Drugs for Veterinary Use—Drug Efficacy Study Implementation Announcement

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National

Research Council, Drug Efficacy Study Group, on the following preparation: Anthelin; 47.0 milligrams of anthelin per tablet (equivalent to 12.7 milligrams of antimony); marketed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 502 West 21st Street, Kansas City, Mo. 64141.

The Academy concludes that this drug is probably not effective for the removal of ascarids from dogs. The available data are adequate only to support claims for efficacy in the removal of tapeworms. The Food and Drug Administration concurs with the conclusion of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For the removal of tapeworms (*Taenia* and *Dipylidium* spp.) from the dog.

DOSAGE

4.7 milligrams of anthelin per pound of body weight.

DIRECTIONS FOR USE

Feed milk only for 24 hours prior to treatment. If vomiting is a problem, a light feeding within 1 hour is recommended. Catharsis with passage of parasites should occur within 3 hours. Give an enema if no catharsis occurs within this period. The enema will facilitate passage of large masses of tapeworms. The dogs may be fed their normal ration 4 to 8 hours after medication. Repeat treatment in 1 week if indicated.

WARNING

Do not administer to sick, feverish, weak, or undernourished dogs. Consult your veterinarian. Depression, nausea, vomiting, and colic are signs of overdosage.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new-drug applications for which labeling is not adequate in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the drug listed in this announcement or any other interested person may obtain a copy of the NAS-NRC report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 17, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1203; Filed, Jan. 28, 1969; 8:51 a.m.]

PPG INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2390) has been filed by PPG Industries, Inc., Post Office Box 312, Delaware, Ohio 43015, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended in paragraph (b)(3)(xx) to add butyl acrylate, styrene, and hydroxyethyl methacrylate to the list of comonomers under the item "Methacrylic acid or its ethyl and methyl esters copolymerized with one or more of the following:".

Dated: January 21, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–1204; Filed, Jan. 28, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18399, 18400; FCC 69–59]

SEABORN RUDOLPH HUBBARD AND TROPICS, INC.

Order Amending Memorandum Opinion and Order

In re applications of Seaborn Rudolph Hubbard, Vero Beach, Fla., Docket No. 18399, File No. BPH–6287; Tropics, Inc., Vero Beach, Fla., Docket No. 18400, File No. BPH–6341; for construction permits.

1. The Commission has before it for consideration: (a) Its memorandum opinion and order, FCC 68–1183, released December 20, 1968, designating this proceeding for hearing; (b) a petition, filed January 17, 1969, by Tropics, Inc., for reconsideration of the aforesaid memorandum opinion and order; and (c) a motion for stay of the said order.

2. Petitioner asks that the Commission reconsider its December 20, 1968, memorandum opinion and order and, upon such reconsideration, provide that the hearing on the above-captioned applications prior to the conclusion of the rule making proceeding in Docket No. 18110 be conducted on the basis of existing Commission rules and that the procedural provisions contained in paragraph 9 of the aforesaid memorandum opinion and order be modified or deleted.

3. We shall delete paragraph 9 of the designation order as unnecessary. However, this deletion is not meant to affect the hearing process, and indeed we stress that the nub of the matter is precisely that, whether the statement is included or deleted, the rule making proceeding in Docket No. 18110, 33 F.R. 5315, will govern the matter heretofore treated in paragraph 9.

4. *Accordingly, it is ordered,* That paragraph 9 of the memorandum opinion and order, FCC 68–1183, released December 20, 1968, is deleted; and that paragraphs 10, 11, and 12 of the same memorandum opinion and order are renumbered paragraphs 9, 10, and 11, respectively.

5. *It is further ordered,* That the January 17, 1969, petition of Tropics, Inc., is granted to the extent set forth above, and in all other respects is denied.

6. *It is further ordered,* That the Tropics, Inc., motion for stay of the aforesaid December 20, 1968, memorandum opinion and order is dismissed as moot.

Adopted: January 22, 1969.

Released: January 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69–1182; Filed, Jan. 28, 1969; 8:49 a.m.]

[1] Commissioners Wadsworth and H. Rex Lee absent.

[Dockets Nos. 18427, 18428; FCC 69–55]

TYLER TELEVISION CO. AND FESTIVAL BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Tyler Television Co., Tyler, Tex., Docket No. 18427, File No. BPCT–4116; Festival Broadcasting Co., Tyler, Tex., Docket No. 18428, File No. BPCT–4131; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 14, Tyler, Tex.[1]

2. Tyler Television Co. and Festival Broadcasting Co. both propose to locate their main studios approximately 3.4 miles and 12 miles respectively outside of Tyler, Tex. The applicants indicate that the proposed studio locations will be at the transmitter sites and result in an economy of operation. We believe that good cause has been shown for so locating the main studios and that the locations proposed would not be inconsistent with the operation of the station in the public interest. We will provide,

[1] As originally filed, the application (BPCT–4116) of Tyler Television Co. specified a transmitter site which did not comply with the Commission's mileage separation requirements, and objections were filed by the Association of Maximum Service Telecasters, Inc., and The University of Houston. Since Tyler Television Co. subsequently amended its application to specify a transmitter site which complies with the Commission's mileage separation requirements, the objections are now rendered moot.

therefore, that in the event of a grant of either application, the Commission's consent to the proposed location of the main studios outside of Tyler will be granted, pursuant to § 73.613(b) of the rules.

3. The applicants are both qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, in the event of a grant of either application, the request, pursuant to § 73.613(b) of the Commission's rules to locate the main studios outside the corporate limits of Tyler, Tex., shall be granted.

It is further ordered, That, the objections filed by The Association of Maximum Service Telecasters, Inc., and the University of Houston are dismissed as moot.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 15, 1969.

Released: January 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-1183; Filed, Jan. 28, 1969; 8:49 a.m.]

[1] Commissioner H. Rex Lee abstaining from voting.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

NOTICE OF ESTABLISHMENT OF PLANNING PROCEDURE AND ANNUAL PLANNING REVIEW CONFERENCE

Postponement of Conference

The Federal Aviation Administration announced on December 10, 1968, that the National Aviation System Planning Review Conference was to be held February 18–20, 1969, in Washington. This notice serves to advise the public that the conference scheduled for February 18–20, 1969, has been postponed. A later date will be selected for the conference to give incoming officials of the Department of Transportation an opportunity to familiarize themselves with conference plans and participate fully in the 3-day meeting. The new date for the conference will be announced later. The Federal Aviation Administration also announced that it would continue with the development of the National Aviation System Plan.

Issued in Washington, D.C., on January 27, 1969.

RONALD W. PULLING,
Acting Associate Administrator for Plans.

[F.R. Doc. 69-1259; Filed, Jan. 28, 1969; 9:05 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 258]

R. J. SAUNDERS & CO., INC.

Order of Revocation

By letter dated December 31, 1968, R. J. Saunders Co., Inc., 30 Church Street, New York, N.Y. 10007, returned its Independent Ocean Freight Forwarder License No. 258 to the Commission for cancellation and advised that its firm terminated business effective December 31, 1968, and merged its accounts with the firm of F. W. Myers & Co., Inc., as of January 1, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 258 of R. J. Saunders & Co., Inc., be and is hereby revoked effective December 31, 1968.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

JOHN F. GILSON,
Deputy Director, Bureau of Domestic Regulation.

[F.R. Doc. 69-1194; Filed, Jan. 28, 1969; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-186 etc.]

EL PASO NATURAL GAS CO. AND PACIFIC GAS TRANSMISSION CO.

Order Consolidating Proceedings, Permitting Interventions, Denying Motions To Dismiss, and Setting Dates for the Service of Evidence and for Hearing

JANUARY 21, 1969.

El Paso Natural Gas Co., Dockets Nos. CP68-186 and CP69-143; and Pacific Gas Transmission Co., Dockets Nos. CP68-189 and CP69-153.

The above applications of El Paso Natural Gas Co. (El Paso) and Pacific Gas Transmission Co. (PGT) request authorization to implement emergency exchange agreements executed by the applicants and by Pacific Gas and Electric Co. (PG&E) providing for the delivery of gas at an existing interconnection of facilities of the applicants near Stanfield, Oreg. Under the agreements PGT proposes to deliver to El Paso up to 75,000 Mcf per day of natural gas under contract to PG&E from the period January 1 through April 30. In exchange for the quantities of gas received by El Paso from PGT, El Paso will, commencing no later than May 1 and extending through November 30, deliver to PGT for transmission and delivery to PG&E gas at a rate of 25,000 Mcf per day (or at such rate as may be agreed upon) until the total quantity of gas so delivered shall equal 150 percent of the quantity of gas received by El Paso. The applications in Dockets Nos. CP68-186 and CP68-189 relate to deliveries during 1968;[1] the applications in Dockets Nos. CP69-143 and CP69-153 relate to deliveries during 1969.[2]

Petitions to intervene in all four of these dockets were filed jointly by California Gas Producers Association and Independent Oil and Gas Producers of California (California Gas Producers). Northwest Natural Gas Co. filed a petition to intervene in Dockets Nos. CP69-143 and CP69-153 and Washington Natural Gas Co. filed a petition to intervene in Docket No. CP69-153. The Public Utility Commissioner of Oregon (Oregon) filed a notice of intervention in Dockets Nos. CP69-143 and CP69-153. California Gas Producers is the only petitioner who opposes the applications and who seeks formal hearing. Its petition to intervene in Dockets Nos. CP69-143 and CP69-153 is opposed by PGT and by Oregon.

California Gas Producers express their position as follows:

While the California Gas Producers have no objection to the "exchange" itself, they

[1] Those deliveries were made under temporary authorization granted by the Commission on Jan. 16, 1968.

[2] Temporary authorization was issued on Jan. 10, 1969, permitting the proposed deliveries by PGT through Apr. 30, 1969, but reserving for redetermination the manner in which gas would be repaid by El Paso. That authorization remains outstanding but has not been accepted by PGT or El Paso.

ask only that any "repayment" of the gas by El Paso to Pacific Gas Transmission be limited to delivery rates not in excess of 15,000 Mcf per day—or that, in the alternative, payment be made for the gas by El Paso in cash, without the necessity for redelivery in gas.

California Gas Producers claim that the Emergency Exchange Agreement, as proposed, will result in a cutback by PG&E during the summer of 1969 of volumes of gas which would otherwise be purchased from California Gas Producers. PGT, in its answer in opposition to the petition to intervene, disputes the claim of California Gas Producers and contends: [3]

Applicant is informed by PG&E that its plan of operation during 1969 contemplates use of the repayment gas for markets and purposes for which California gas, because of its relatively high price, would not be used.

It cannot be determined from the applications and pleadings whether California Gas Producers is correct in its claim or, if correct, whether the applications should be approved as proposed. Consequently, California Gas Producers should be permitted to intervene in this proceeding.

Motions to dismiss their applications as moot were filed by El Paso on July 30, 1968, in Docket No. CP68–186 and by PGT on September 9, 1968, in Docket No. CP68–189. These motions were filed after the deliveries authorized in those dockets had been terminated. The motions were opposed by California Gas Producers in answers filed August 5, 1968, and September 13, 1968. California Gas Producers requests that PGT be required to redeliver gas to El Paso and that redeliveries of payback gas by El Paso to PGT be spread over a 3- to 5-year period. The position of California Gas Producers in this regard should be considered at the time the 1969 Emergency Exchange Agreement is considered and, accordingly, the motions to dismiss as moot should be denied.

Because the applications of El Paso in Dockets Nos. CP68–186 and CP69–143 and of PGT in Dockets Nos. CP68–189 and CP69–153 are interdependent and interrelated, they should be consolidated and heard together.

The Commission orders:

(A) The applications of El Paso in Dockets Nos. CP68–186 and CP69–143 and of PGT in Dockets Nos. CP68–189 and CP69–153 are hereby consolidated.

(B) The above-named petitioners are hereby permitted to intervene in the present proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) On or before January 21, 1969, applicants and all interveners in support of the applications shall file with the Commission and serve on all parties and the Commission's staff their direct evidence to be relied upon at the hearing.

(D) A hearing before a duly designated presiding examiner will be held on January 28, 1969, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426 to consider the matters involved and the issues presented by the applications.

(E) At the hearing on January 28, 1969, all interveners in opposition to the applications shall be prepared to present their direct evidence to be relied upon at the hearing.

(F) The motions to dismiss applications as moot filed by El Paso on July 30, 1968, in Docket No. CP68–186 and by PGT on September 9, 1968, in Docket No. CP68–189 are denied.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–1167; Filed, Jan. 28, 1969; 8:48 a.m.]

[3] Oregon urges denial of the petition to intervene for the reason stated in PGT's answer.

[Project No. 2671]

KENNEBEC LOG DRIVING CO. AND KENNEBEC WATER POWER CO.

Notice of Application for License for Constructed Project

JANUARY 22, 1969.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Kennebec Log Driving Co. (correspondence to: Buhrman B. Garland, President, Kennebec Log Driving Co., 61 Water Street, Skowhegan, Maine 04976) and by Kennebec Water Power Co. (correspondence to: William H. Dunham, President, Kennebec Water Power Co., 9 Green Street, Augusta, Maine 04330) for constructed Project No. 2671, known as Moosehead Lake Outlet Dams, located on headwaters of the Kennebec River, in Somerset and Piscataquis Counties, Maine.

The existing project consists of: (1) East Outlet Dam having earth embankment sections (top elevation 1,032.5) at the north and south ends of the dam, a controlled concrete spillway section comprised of a tainter gated section used for flow regulation, three flat gated sections, a log sluice section and a fishway section; sills of the gated sections at elevation 1,018.5 feet; (2) West Outlet Dam having earth embankment sections (top elevation 1,032.5) at the north and south ends of the dam, a gated concrete spillway section at center of dam with sill at elevation 1,020.5 feet; and (3) a reservoir (Moosehead Lake) containing about 544,000 acre-feet of storage capacity with normal pool at elevation 1,029 feet; a maximum reservoir drawdown of 7.5 feet, and a minimum regulated flow of about 3,600 cubic feet per second.

NOTE: Elevations based on U.S.G.S. datum.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69–1168; Filed, Jan. 28, 1969; 8:48 a.m.]

[Docket No. CP69–193]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JANUARY 22, 1969.

Take notice that on January 16, 1969, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, N. Dak. 58501, filed in Docket No. CP69–193 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period beginning April 1, 1969, and operate various natural gas facilities necessary to connect additional supplies of gas contiguous to its system which may become available during the period and which will be purchased from producers, and to make extensions and revisions to connect additional wells in existing producing areas.

Total estimated cost of Applicant's proposed construction will not exceed $400,000, with no single project to exceed $100,000. Financing will be from internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 17, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1169; Filed, Jan. 28, 1969; 8:48 a.m.]

[Docket No. RI69-263]

PLACID OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

JANUARY 21, 1969.

On December 17, 1968, Placid Oil Co. (Placid) filed a motion in the above-captioned proceeding requesting that the Commission modify its increased rate suspension order issued therein on December 4, 1968, by suspending the increased rate involved in Docket No. RI69-263 from November 15, 1968, to May 1, 1969, instead of to May 16, 1969.

In support of its motion, Placid states that it is one of some 45 or 50 coowners of the Prentice Gasoline Plant; that increased rate filings in behalf of the other coowners were suspended in other proceedings from December 1, 1968, until May 1, 1969; and, since the purchaser, Northern Natural Gas Co. (Northern), receives deliveries from the plant through a single meter and then accounts to the various owners in proportion to their respective interests, that unless its suspension period is reduced by 16 days, it will be necessary for Northern to compute Placid's interest for May separately from the other interests which will result in extra handling and separate computations that may cost Northern more than the small amount of increase applicable to Placid's share of the gas for this period. Placid's proposed increase amounts to $855 annually. Placid submits that while the additional amount involved in a shortened suspension period would be insignificant to Placid, convenience and the time saved Northern more than justifies the relief requested.

The Commission finds: Good cause exists for granting Placid's subject motion as hereinafter provided.

The Commission orders: The Commission's order issued December 4, 1968, under the lead docketed proceedings entitled Atlantic Richfield Co. et al., Docket No. RI69-261 et al., insofar as it pertains to Placid Oil Co. in Docket No. RI69-263, is amended on page 2 thereof by substituting "5-1-69" for "5-16-69" under the column entitled "Date Suspended Until."

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1170; Filed, Jan. 28, 1969; 8:48 a.m.]

[Project No. 2144]

CITY OF SEATTLE, WASH.

Order Approving Revised Exhibit K Drawings, Approving Buffer Zone Agreement and Vacating Power Withdrawals; Correction

JANUARY 16, 1969.

In the order approving revised Exhibit K drawings, approving buffer zone agreement and vacating power withdrawals, issued December 30, 1968, and published in the FEDERAL REGISTER January 8, 1969, 34 F.R. 284, on page 3, first full paragraph: Delete last line consisting of "Project Nos. 44, and 2250" and substitute "Project No. 2144."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1171; Filed, Jan. 28, 1969; 8:48 a.m.]

[Docket No. CI61-1569 etc.]

U.S. NATURAL RESOURCES, INC.

Notice of Petition To Amend

JANUARY 22, 1969.

U.S. Natural Resources, Inc. (formerly U.S. Natural Gas Corp.), Dockets Nos. CI61-1569, CI62-594, CI63-1460, CI67-358.

Take notice that on January 6, 1969, U.S. Natural Resources, Inc., 9601 Wilshire Boulevard, Beverly Hills, Calif. 90210, filed in Docket No. CI61-1569 et al., a petition to amend the orders issuing certificates of public convenience and necessity to U.S. Natural Gas Corp., by changing the name of the certificate holder to U.S. Natural Resources, Inc., to reflect a change in corporate name, with no change in corporate structure, effective as of November 1, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1172; Filed, Jan. 28, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

EASTERN TRUST FINANCIAL ASSOCIATES

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Eastern Trust Financial Associates, Bangor, Maine, for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares of Eastern Trust & Banking Co., Bangor, Maine, and of its three majority owned subsidiary banks, all located in Maine.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Eastern Trust Financial Associates, Bangor, Maine, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of Eastern Trust & Banking Co., Bangor, Maine ("Eastern Trust"), a registered bank holding company, and of Eastern Trust's three majority owned subsidiary banks: Lincoln Trust Co., Lincoln; Millinocket Trust Co., Millinocket; and Guilford Trust Co., Guilford, all located in Maine.

As required by section 3(b) of the Act, the Board notified the Deputy Bank Commissioner for the State of Maine of the application and requested his views and recommendation. He recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 15, 1968 (33 F.R. 16692), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board or by the Federal Reserve Bank of Boston pursuant to delegated authority.

Dated at Washington, D.C., this 21st day of January 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1134; Filed, Jan. 28, 1969; 8:45 a.m.]

FIDELITY-AMERICAN BANKSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Fidelity-American Bankshares, Inc., Lynchburg, Va., for approval of action to become a bank holding company through the acquisition of more than 66⅔ percent of the voting shares of The Fidelity National Bank, Lynchburg, Va., and American National Bank, Portsmouth, Va.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Fidelity-American Bankshares, Inc., Lynchburg, Va., for the Board's prior approval of action to become a bank holding company through the acquisition of more than 66⅔ percent of the voting shares of The Fidelity National Bank, Lynchburg, Va., and American National Bank, Portsmouth, Va.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 19, 1968 (33 F.R. 17156), which provided an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Dated at Washington, D.C., this 22d day of January 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1135; Filed, Jan. 28, 1969; 8:45 a.m.]

NORTHLAND BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Northland Bancshares, Inc., Bridgeton, Mo., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Mark Twain State Bank, Bridgeton, Mo., and South County Bank, St. Louis County, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Northland Bancshares, Inc., Bridgeton, Mo., for the Board's prior approval of action whereby Applicant, presently the owner of 97.5 percent of the voting shares of Northland Bank, Jennings, Mo., would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Mark Twain State Bank, Bridgeton, Mo., and South County Bank, St. Louis County, Mo.

As required by section 3(b) of the Act, the Board gave written notice to the Commissioner of Finance of the State of Missouri of receipt of the application and requested his views and recommendation. He recommended approval of the application.

Notice of receipt of the application was published in the F.R. on July 18, 1968 (33 F.R. 10294), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of the order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

Dated at Washington, D.C., this 21st day of January 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-1136; Filed, Jan. 28, 1969; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-38]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an investigatory proceeding involving costs of certain telecommunications service and equipment.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, et seq., as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Govovernment before the California Public Utilities Commission in an investigatory proceeding involving telecommunications costs of The Pacific Telephone and Telegraph Co. (California PUC Case No. 8858).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: January 23, 1969.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 69-1191; Filed, Jan. 28, 1969; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

DIVERSIFIED REALTY FUNDING CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On December 31, 1968, a notice of application for transfer of control was published in the FEDERAL REGISTER (33 F.R. 20066) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) for transfer of control of Diversified Realty Funding Corp., 663 Fifth Avenue, New York, N.Y. 10022, a Federal Licensee Under the Small Business Investment Act of 1958, as amended; License No. 02/02-0177.

Interested persons were given until January 10, 1969, to send their written comments to SBA. No comments were received.

Having considered the application and all other pertinent information and facts with regard thereto, SBA hereby approves the application for change of control of Diversified Realty Funding Corp.

Dated: January 21, 1969.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

[F.R. Doc. 69-1145; Filed, Jan. 28, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Concurring Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of St. Louis.

[2] Voting for this action: Chairman Martin and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sherrill.

[Declaration of Disaster Loan Area 689]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the county of San Luis Obispo, in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on January 18, 1969.

OFFICE

Small Business Administration Regional Office, 849 South Broadway, Los Angeles, Calif. 90014.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1969.

Dated: January 21, 1969.

LOGAN B. HENDRICKS,
Associate Administrator.

[F.R. Doc. 69-1146; Filed, Jan. 28, 1969; 8:46 a.m.]

[Delegation of Authority No. 8-A]

SENIOR INDUSTRIAL PLANNER, OFFICE OF INDUSTRY RELATIONS, OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MINORITY ENTREPRENEURSHIP

Delegation of Authority To Provide Financial Assistance

Pursuant to the authority vested in the Administrator of the Small Business Administration by sections 402(c) and 602(d) of the Economic Opportunity Act of 1964, as amended, the following authority under section 406 of the Economic Opportunity Act of 1964, as amended, is hereby delegated to the Senior Industrial Planner, Office of Industry Relations, Office of the Assistant Administrator for Minority Entrepreneurship: To execute grants, agreements, and contracts providing financial assistance to public or private organizations to pay all or part of the costs of technical and management assistance projects designed to furnish centralized services with regard to public services and government programs, including programs authorized under section 402 of the Economic Opportunity Act of 1964, as amended, with special attention to small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals.

Effective date: January 16, 1969.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 69-1195; Filed, Jan. 28, 1969; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

TEXAS URANIUM CORP.

Order Suspending Trading

JANUARY 23, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 24, 1969, through February 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-1144; Filed, Jan. 28, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 535]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 110) ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed January 14, 1969. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Opelika, Ala., over Alabama Highway 169 to Crawford, Ala., thence over U.S. Highway 80 to Phenix City, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Opelika, Ala., and Phenix City, Ala., over U.S. Highway 280.

No. MC 2401 (Deviation No. 24), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Post Office Box 2047, Idaho Station, Terre Haute, Ind. 47802, filed January 13, 1969. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 65 to junction Interstate Highway 264, south of Louisville, Ky., thence over Interstate Highway 264 to junction Interstate Highway 71, east of Louisville, Ky., thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 to junction U.S. Highway 431, north of Springfield, Tenn., thence over U.S. Highway 431 to the Tennessee-Kentucky State line, thence over U.S. Highway 431 to Adairville, Ky.; (2) from Adairville, Ky., over U.S. Highway 431 to Russellville, Ky.; (3) from Russellville, Ky., over U.S. Highway 431 to Owensboro, Ky.; (4) serving points in Ohio County, Ky., west of Kentucky Highway 369, and south of U.S. Highway 62, as off-route points in connection with carrier's regular-route operations between Russellville and Owensboro, Ky. (includes that portion of Beaver Dam, Ky., lying west of Kentucky Highway 369 and south of U.S. Highway 62); (5) serving Beaver Dam, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky.; (6) from Harrison, Ohio-Ind., over U.S. Highway 52 to junction Ohio Highway 128 (U.S. Highway 50 Bypass), thence over Ohio Highway 128 (U.S. Highway 50 Bypass) to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky.; (7) from Cincinnati, Ohio, over U.S. Highway 52 to

junction unnumbered highway (formerly portion U.S. Highway 52) near Dent, Ohio, thence over unnumbered highway via Harrison, Ohio, to junction U.S. Highway 52, thence over U.S. Highway 52 via Brookville and Rushville, Ind., to Indianapolis, Ind.; and (8) from Columbus, Ohio, over U.S. Highway 40 to West Jefferson, Ohio, thence over Ohio Highway 142 to London, Ohio, thence over U.S. Highway 42 to Cincinnati, Ohio, and return over the same routes.

No. MC 6945 (Deviation No. 11), THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126, filed January 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Interstate Highway 69 and Indiana 67, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over Indiana Highway 67 to junction Interstate Highway 69, and return over the same route.

No. MC 6945 (Deviation No. 12), THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126, filed January 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Muncie, Ind., over Indiana Highway 3 to Markle, Ind., thence over Indiana Highway 116 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Angola, Ind., thence over U.S. Highway 27 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich.; (2) from Muncie, Ind., over Indiana Highway 3 to Markle, Ind., thence over Indiana Highway 116 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Toledo, Ohio; and (3) from Muncie, Ind., over Indiana Highway 3 to Markle, Ind., thence over Indiana Highway 116 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Angola, Ind., thence over U.S. Highway 27 to junction Interstate Highway 90 (Ohio Turnpike) approximately 7 miles north of Angola, Ind., thence over Interstate Highway 90 to Maumee, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Muncie, Ind., over Indiana Highway 67 to the Ohio-Indiana State line, thence over Ohio Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Ohio Highway 67 (formerly portion of U.S. Highway 25), thence over Ohio Highway 67 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo, Ohio; and (2) from Toledo, Ohio, over U.S. Highway 24 (also U.S. Highway 25) to Detroit, Mich., and return over the same routes.

No. MC 22229 (Deviation No. 15), TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, filed January 16, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cincinnati, Ohio, over Interstate Highway 71, to Louisville, Ky.; (2) from Chattanooga, Tenn., over Interstate Highway 75 to Cincinnati, Ohio; (3) from Nashville, Tenn., over Interstate Highway 65 to Louisville, Ky.; and (4) from Nashville, Tenn., over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 42 to Louisville, Ky.; (2) from Chattanooga, Tenn., over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio; (3) from Nashville, Tenn., over U.S. Highway 31W to Louisville, Ky.; and (4) from Nashville, Tenn., over U.S. Highway 41 to Atlanta, Ga., and return over the same routes.

No. MC 60186 (Deviation No. 6), NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, filed January 15, 1969. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From New York, N.Y., over the George Washington Bridge (Interstate Highway 95) to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction Pennsylvania Turnpike Connector, thence over Pennsylvania Turnpike Connector to the New Jersey-Pennsylvania State line thence over the Pennsylvania Turnpike to King of Prussia, Pa.; and (2) from New York, N.Y., over Interstate Highway 278 to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Interstate Highway 676, thence over Interstate Highway 676 to junction Interstate Highway 76, thence over Interstate Highway 76 to King of Prussia, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa., thence over Pennsylvania Highway 23 to King of Prussia, Pa., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 503), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed January 15, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 41 and Interstate Highways 80–94 in Hammond, Ind., over Interstate Highways 80–94 to junction Interstate Highway 65 in East Gary, Ind., thence over Interstate Highway 65 to junction Indiana Highway 16, thence over Indiana Highway 16 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 52 at Montmorenci, Ind.; (2) from Gary, Ind., over city streets to the 15th Avenue Interchange of Interstate Highway 65; and (3) from the Interchange of Interstate Highway 90 (Indiana Toll Road) and Interstate Highway 65 over Interstate Highway 65 to Interchange with Interstate Highways 80–94, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Lafayette, Ind., over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 via Cook and Hammond, Ind., to Chicago, Ill.; and (2) from junction U.S. Highways 6 and 41 and Indiana Highway 152 over Indiana Highway 152 to junction Interstate Highways 80–94, thence over Interstate Highways 80–94 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1185; Filed, Jan. 28, 1969; 8:49 a.m.]

[Notice 1263]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 9444 (Sub-No. 6) (Republication), filed June 5, 1967, published in the FEDERAL REGISTER issue of June 29, 1967, and republished this issue. Applicant: BILOXI TRANSFER & STORAGE CO. INC., 440 Reynoir Street, Post Office Box 361, Biloxi, Miss. 39533. Applicant's representative: Frank C. Wentzell, Post Office Box 361, Biloxi, Miss. 39533. By application filed June 5, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of household goods as defined by the Commission, between Biloxi, Miss., on the one hand, and, on the other, points in that part of Mississippi on and south of U.S. Highway 80, for exempt forwarders, restricted to traffic having a prior or subsequent out-of-State movement. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods*, between Biloxi, Miss., on the one hand, and, on the other, points in Jackson, Harrison, Hancock, Pearl River, and Marion Counties, Miss., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 13250 (Sub-No. 91) (Republication), filed May 25, 1967, published FEDERAL REGISTER issue of June 8, 1967, and republished this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. By application filed May 25, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of structures and equipment for moving air or gases, including parts, accessories, and supplies used for the installation or erection thereof, between Roselle, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington. A decision and order on further consideration of the Commission, Review Board No. 1, dated January 7, 1969, and served January 13, 1969, finds, on further consideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) blowers, and (2) when moving in mixed loads with blowers, blower parts, blower accessories, and supplies used in the installation and erection of blowers, between Roselle, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 106743 (Sub-No. 3) (Republication), filed March 3, 1965, published FEDERAL REGISTER issue of April 14, 1965, and republished this issue. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 612 North Oates Street, Dothan, Ala. Applicant's representative: Richard A. Bishop, 711 14th Street NW., Washington, D.C. By application filed March 3, 1965, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of household goods, as defined by the Commission, (1) between points in Alabama, and (2) between points in Muscogee, Harris, Troup, Heard, Meriwether, Spalding, Lamar, Upson, Crawford, Taylor, Macon, Chattahoochee, Marion, Schley, Webster, Sumter, Terrell, Randolph and Clay Counties, Ga. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, (1) between points in Madison County, Ala.; (2) between points in Macon, Montgomery, Russell, Bullock, Barbour, Pike, Crenshaw, Coffee, Dale, Henry, Covington, Geneva, and Houston Counties, Ala.; (3) between points in Muscogee, Chattahoochee, and Stewart Counties, Ga.; (4) between points in Early and Seminole Counties, Ga.; (5) between points in Fulton County, Ga.; and (6) between points in Chatham County, Ga., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, that applicant is fit, willing, and able properly to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120397 (Sub-No. 1) (Republication), filed March 9, 1967, published FEDERAL REGISTER issue of March 23, 1967, and republished this issue. Applicant: CAROLINA DISPATCH SERVICE, INC., King Street at Heriot, Post Office Box 552, Charleston, S.C. 29402. Applicant's representative: J. J. Meeks (same address as applicant). By application filed March 9, 1967, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of household goods and personal effects in providing local pickup and delivery service for Exempt Forwarders, between points in South Carolina. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Charleston and Dorchester Counties,

S.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, that applicant is fit, willing, and able properly to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the finds in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126176 (Sub-No. 2) (Republication), filed March 15, 1965, published FEDERAL REGISTER issue of April 1, 1965, and republished this issue. Applicant: HAROLD L. FISHER, doing business as FISHER'S MOVING & STORAGE, 600 East Walnut Street, Blytheville, Ark. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. By application filed March 15, 1965, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of household goods, as defined by the Commission, between points in Clay, Craighead, Crittenden, Greene, Mississippi, Poinsett, and Randolph Counties, Ark., Butler, Carter, Bunklin, New Madrid, Mississippi, Pemiscot, Ripley, Scott, and Stoddard Counties, Mo., and Crockett, Dyer, Gibson, and Lauderdale Counties, Tenn., restricted to shipments having a prior or subsequent movement beyond said counties, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Randolph, Clay, Lawrence, Greene, Craighead, Mississippi, Poinsett, and Crittenden Counties, Ark.; Carter, Ripley, Butler, Stoddard, Scott, Mississippi, Dunklin, New Madrid, and Pemiscot Counties, Mo., and Dyer, Gibson, Crockett, and Lauderdale Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, that applicant is fit, willing, and able properly to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126538 (Republication), filed August 25, 1964, published FEDERAL REGISTER issue of September 24, 1964, and republished this issue. Applicant: AAA MOVING AND STORAGE, INC., 1316 Farmville Road, Memphis, Tenn. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. By application filed August 25, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicles, over irregular routes, transporting: Household goods, as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, in containers, restricted to shipments (1) for freight forwarders where a freight forwarder is transporting this commodity pursuant to the exemption for it at 49 U.S.C.A. 1002 (B) (2); and (2) which have a prior or subsequent movement beyond Shelby, Tipton, and Fayette Counties, Tenn.; Crittenden County, Ark.; and De Soto County, Miss., between points in Shelby, Tipton, and Fayette Counties, Tenn., points in Crittenden County, Ark., and points in De Soto County, Miss. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting *used household goods,* between points in Tipton, Shelby, and Fayette Counties, Tenn.; De Soto County, Miss.; and Crittenden County, Ark., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to conduct such operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting in detail the precise manner in which it has been so prejudiced.

No. MC 128646 (Sub-No. 1) (Republication), filed June 14, 1968, published FEDERAL REGISTER issue of July 4, 1968, and republished this issue. Applicant: ISREAL TRANSFER & STORAGE COMPANY, a corporation, 1918 Locust Street, Kansas City, Mo. 64108. Applicant's representative: Michael J. Drape, 925 Argyle Building, Kansas City, Mo. 64106. In the above-entitled proceeding the point board recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of display equipment and display materials, when moving to or from a trade show or exhibitions, and musical instruments and musical equipment, except (1) itinerant theatrical productions or exhibitions when moved as a part of theatrical, productions or exhibitions; (2) commodities which, because of size or weight require the use of special equipment or special handling; and (3) commodities, in bulk, in tank vehicles, between points in the Kansas City, Mo.-Kans., commercial zone, on the one hand, and, on the other, points in Missouri and Kansas. A decision and order of the Commission, Review Board No. 4, dated January 6, 1969, and served January 15, 1969, as amended, find that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *musical instruments and musical equipment;* and (2) *display equipment and display materials,* used in the operation and maintenance of trade shows or trade exhibitions, except commodities in bulk, in tank vehicles, and commodities which, because of size or weight require the use of special equipment, between Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Kansas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a

notice of the authority actually granted will be published in the FEDERAL REGISTER an issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128923 (Sub-No. 1) (Republication), filed July 10, 1967, published FEDERAL REGISTER issue of July 27, 1967, and republished this issue. Applicant: BRUMMETT MOVING & STORAGE, INC., 180 Sheppard Road, Jackson, Miss. 39206. Applicant's representative: Pat H. Scanlon, 930 Deposit Guaranty National Bank Building, Jackson, Miss. 39201. By applicant filed July 10, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicles, over irregular routes, transporting: Houeshold goods, as defined by the Commission, including the packing and unpacking thereof, between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, restricted to traffic moving on through bills of lading of exempt forwarders, and having a prior or subsequent out of state movement. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting, *used household goods,* between Jackson, Miss., on the one hand, and, on the other, points in Attala, Yazoo, Madison, Leake, Neshoba, Warren, Hinds, Rankin, Scott, Newton, Lauderdale, Claiborne, Cupial, Simpson, Smith, Jasper, Clarke, Jefferson Davis, Covington, Jones, Wayne, Wilkinson, Amite, Pike, Walthall, Marion, Lamar, Forrest, Perry, Greene, and Stone Counties, Miss., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: that applicant is fit, willing, and able properly to conduct such operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128963 (Republication), filed March 22, 1967, published FEDERAL REGISTER issue of April 20, 1967, and republished this issue. Applicant: M & M TRANSFER, INC., King Street Extension, Post Office Box 552, Charleston, S.C. 29402. By application filed March 22, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicles, over irregular routes, transporting: Used household goods and personal effects in providing local pickup and delivery service for forwarders; (1) between points in Charleston County, S.C.; and (2) between points in Charleston County, S.C., and points in South Carolina. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting, *used household goods,* between points in Charleston County, S.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to conduct such operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129028 (Sub-No. 1) (Republication), filed July 26, 1967, published in the FEDERAL REGISTER issue of August 10, 1967, and republished this issue. Applicant: BAUCOM'S TRANSFER & STORAGE CO., INC., 2529 North Tryon Street, Charlotte, N.C. 28206. By application filed July 26, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of used household goods, between points in Alamance, Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Gaston, Guilford, Hoke, Iredell, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Randolph, Richmond, Rowan, Rutherford, Scotland, Stanly, Union, and Wake Counties, N.C., and points in Cherokee, Chester, Fairfield, Greenville, Lancaster, Lexington, Richland, Spartanburg, Union, and York Counties, S.C., restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402(b)(2); and (2) having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, of *used household goods,* between points in Iredell, Catawba, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg, Union, Cabarrus, and Stanly Counties, N.C., and Spartanburg, Cherokee, and York Counties, S.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129043 (Republication), filed April 21, 1967, published in the FEDERAL REGISTER issue of May 11, 1967, and republished this issue. Applicant: S. J. KINDRED doing business as, BOND TRANSFER & STORAGE COMPANY, 1206 Gardner Boulevard, Columbus, Miss. 39701. Applicant's representative: H. K. Van Every, Post Office Box 761, Columbus, Miss. 39701. By application filed April 21, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of crated household goods, in providing an origin pickup and packing, containerization and warehousing, and destination unpacking and delivery services, when moving on through bills of lading of an exempt freight forwarder,

between points on and above U.S. Highway 80 in Mississippi. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Itawamba, Calhoun, Chickasaw, Monroe, Clay, Webster, Lowndes, Choctaw, Oktibbeha, Attala, Winston, Noxubee, Leake, Neshoba, Kemper, and Washington Counties, Miss., and those points in Rankin, Scott, Newton, and Lauderdale Counties, Miss., on or north of U.S. Highway 80, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the percise manner in which it has been so prejudiced.

No. MC 129050 (Republication), filed April 20, 1967, published in the FEDERAL REGISTER issue of May 11, 1967, and republished this issue. Applicant: FAYETTEVILLE MOVING & STORAGE, INC., 3715 Ramsey Street, Post Office Box 3574, Fayetteville, N.C. 28301. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. By application filed April 20, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of used household goods, between points in the State of North Carolina, restricted to (1) shipments moving on through bills of lading for a forwarder operating under section 402(b)(2) exemption, (2) to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air, and, (3) to providing a local service for a forwarder of used household goods. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Ashe, Alleghany, Surry, Stokes, Rockingham, Caswell, Person, Granville, Vance, Warren, Halifax, Northampton, Nash, Franklin, Wake, Durham, Orange, Alamance, Guilford, Forsyth, Yadkin, Wilkes, Burke, Caldwell, Alexander, Iredel, Davie, Rowan, Davidson, Randolph, Lee, Chatham, Harnett, Johnston, Wilson, Edgecombe, Pitt, Greene, Wayne, Lenoir, Jones, Onslow, Pender, New Hanover, Brunswick, Columbus, Duplin, Bladen, Sampson, Robeson, Cumberland, Scotland, Hoke, Moore, Stanly, Montgomery, Richmond, Anson, Union, Mecklenburg, Cabarrus, Gaston, Cleveland, Lincoln, and Catawba Counties, N.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129200 (Republication), filed June 23, 1967, published in FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: WELDON MOVING AND STORAGE CO., INC., 228 South U.S. No. 1, Sharpes, Fla. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. By application filed June 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of used household goods, restricted to shipments moving on the through bill of lading of a freight forwarder operating under section 402(b)(2) exemption, and having an immediate, prior or subsequent line haul movement by rail, motor, water, or air, between points in Florida. A report of the Commission, Review Board No. 3, decided December 11, 1968 and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *used household goods,* between points in Brevard, Indian River, and Saint Lucie Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this Report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129267 (Sub-No. 1) (Republication), filed August 3, 1967, published in FEDERAL REGISTER issue of August 25, 1967, and republished this issue. Applicant: H AND S TRANSFER COMPANY, INC., 1001 Fenwick Street, Augusta, Ga. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. By application filed August 3, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of household goods, as defined by the Commission, (1) between points in Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliafero, Wilke, Columbia, Glascock, Jenkins, McDuffy, Screven, and Warren Counties, Ga., and (2) between points in Aiken, Barnwell, Hampton, Allendale, Edgefield, and McCormick Counties, S.C., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968 and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *used household goods,* between points in Columbia, Richmond, Jefferson, Burke, and Jenkins Counties, Ga., and Edgefield and Aiken Counties, S.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and

decontainerization of such traffic; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129283 (Republication), filed July 26, 1967, published in FEDERAL REGISTER issue of August 10, 1967, and republished this issue. Applicant: RAY THOMPSON MOVING & STORAGE, INC., Post Office Box 1064, Power Street, Clarksville, Tenn. 37040. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. By application filed July 26, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of household goods as defined by the Commission, between points in Montgomery and Stewart Counties, Tenn., and Christian County, Ky., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of fowarders, operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968 and served January 10, 1969, finds that the present and future public convenience and necessity required operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *used household goods*, between points in Stewart and Montgomery Counties, Tenn., and Christian County, Ky., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this Report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129302 (Republication), filed August 3, 1967, published in the FEDERAL REGISTER issue of August 17, 1967, and republished this issue. Applicant: WILLIAM A. JORDAN, doing business as JORDAN TRANSFER COMPANY, Post Office Box 358, West Point, Miss. 39773. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington. D.C. 20005. By application filed August 3, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of household goods, as defined by the Commission, between points in Clay, Lowndes, Oktibbeha, Noxubee, Winston, Attala, Choctaw, Webster, Grenada, Yalobusha, Calhoun, Chickasaw, Monroe, Ittawamba, Pontotoc, Lafayette, Panola, Alcorn, Tishomingo, Prentiss, Lee and Union Counties, Miss., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in Chickasaw, Monroe, Webster, Clay, Lowndes, Choctaw, and Oktibbeha Counties, Miss., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129354 (Republication), filed August 23, 1967, published in the FEDERAL REGISTER issue of September 8, 1967, and republished this issue. Applicant: ALLEN C. DRAUGHON, doing business as ALLEN'S MOVING SERVICE, 616 Person Street, Fayetteville, N.C. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. By application filed August 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of household goods, as defined by the Commission, between points in North Carolina, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, between points in Moore, Lee, Harnett, Hoke, and Cumberland Counties, N.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129355 (Republication), filed August 23, 1967, published in the FEDERAL REGISTER issue of September 8, 1967, and republished this issue. Applicant: GILMORE ENTERPRISES, INC., 196 Hollywood Boulevard, Fort Walton Beach, Fla. 32548. Applicant's representative: Paul F. Sullivan, Suite 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. By application filed August 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate

or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of household goods, as defined by the Commission, between points in Okaloosa County, Fla., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods,* between points in Okaloosa County, Fla., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129360 (Sub-No. 1) (Republication), filed March 19, 1968, published in the FEDERAL REGISTER issue of April 4, 1968, and republished this issue. Applicant: KIRKLEY TRANSFER COMPANY, INC., Nixon Road and New Savannah Road, Augusta, Ga. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. By application filed March 19, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of used household goods, between points in Burke, Emanuel, Jefferson, Lincoln, Richmond, Taliaferro, Wilkes, Columbia, Glascock, Jenkins, McDuffie, Screven, and Warren Counties, Ga., and Barnwell, Hampton, Aiken, Allendale, Edgefield, and McCormick Counties, S.C., restricted to shipments having both (1) and immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air; and (2) moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier,* by motor vehicle, over irregular routes, of *used household goods,* between points in McDuffie, Columbia, Richmond, Jefferson, and Burke Counties, Ga., and Aiken and Edgefield Counties, S.C., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129391 (Republication), filed September 13, 1967, published in the FEDERAL REGISTER issue of September 28, 1967, and republished this issue. Applicant: VERNON EUGENE CRISCO, doing business as EMPIRE TRANSFER AND STORAGE CO., 115 West Columbia Avenue, Orlando, Fla. 32806. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. By application filed September 13, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of household goods as defined by the Commission, between points in Orange County, Fla., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of used household goods, between points in Orange County, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and properly able to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129548 (Republication), filed November 15, 1967, published in the FEDERAL REGISTER issue of December 14, 1967, and republished this issue. Applicant: JOHNSON TRANSFER CO., INC., Post Office Box 445, Hopkinsville, Ky. 42240. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. By application filed November 15, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of used household goods, between points in Christian County, Ky., and Stewart, Robinson, and Montgomery Counties, Tenn., restricted both to (1) shipments moving on through bills of lading for a freight forwarder operating under section 402(b)(2) exemption; and (2) to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air. A report of the Commission, Review Board No. 13, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier,* by motor vehicle, over irregular routes, of *used household goods,* between points in Christian County, Ky., and Stewart and Montgomery Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection, with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a

period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129613 (Sub-No. 2) (Republication), filed May 9, 1968, published in the FEDERAL REGISTER issue of May 22, 1968, and republished this issue. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. By application filed May 9, 1968, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes; (1) under a continuing contract or contracts with Martinsburg Veneer Corp., of (a) byproducts of veneer, from Martinsburg, W. Va., to points in New York and Pennsylvania; and (b) veneer and byproducts thereof, from Martinsburg, to Louisville, Ky.; New Albany, Ind., and points in Maryland, Virginia, North Carolina, and South Carolina; (2) under a continuing contract or contracts with Jefferson Distributing Co., Inc., of malt beverages, from Columbus, Ohio, Detroit, Mich., Pittsburgh, Pa., and St. Louis, Mo., to Martinsburg; and (3) under a continuing contract or contracts with Buckley's Distributing Co., of malt beverages, from Columbus, Detroit, and St. Louis, to Romney, W. Va. The application was referred to Examiner Samuel Horwich for hearing and the recommendation of an appropriate order thereon. Hearing was held on October 15, 1968 at Washington, D.C. A report and order of the Commission, Division 1, effective January 9, 1969, and served January 17, 1969, as amended, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes; (1) under a continuing contract or contracts with Martinsburg Veneer Corp.; of (a) *mulch, sawdust, wood chips, waste veneer, and lumber,* from Martinsburg, W. Va., to Louisville, Ky., New Albany, Ind., and points in New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, and (b) *veneer,* from Martinsburg, W. Va., to Louisville, Ky., New Albany, Ind., and points in Maryland, Virginia, North Carolina, and South Carolina; (2) under a continuing contract or contracts with Jefferson Distributing Co., Inc., of *malt beverages,* from Columbus, Ohio, Detroit, Mich., Pittsburgh, Pa., and St. Louis, Mo., to Martinsburg, W. Va.; and (3) under a continuing contract or contracts with Buckley's Distributing Co., of *malt beverages,* from Columbus, Ohio, Detroit, Mich., and St. Louis, Mo., to Romney, W. Va.; will be consistent with the public interest and national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129851 (Republication), filed April 22, 1968, published in the FEDERAL REGISTER issue of May 9, 1968, and republished this issue. Applicant: JAMES W. McCONNELL AND JAMES E. McCONNELL, a partnership, doing business as McCONNELL BROS. TRANSFER & STORAGE, 106 23d Street North, Columbus, Miss. 39701. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank Building, Jackson, Miss. 39205. By application filed April 22, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of household goods as defined by the Commission, between Columbus, Miss., and points in Calhoun, Chickasaw, Choctaw, Clay, Lee, Lowndes, Monroe, Noxubee, Oktibbeha, Webster, and Winston Counties, Miss., and points in Fayette, Green, Lamar, Marion, and Pickens Counties, Ala., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders operating under section 402(b)(2) exemption. A report of the Commission, Review Board No. 3, decided December 11, 1968, and served January 10, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *used household goods,* between Columbus, Miss., and points in Chickasaw, Monroe, Webster, Clay, Oktibbeha, and Lowndes Counties, Miss., and Pickens County, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10368. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC. (formerly YELLOW TRANSIT FREIGHT LINES, INC.), 92d at State Line Road, Kansas City, Mo. 64114, of the operating rights of RED ARROW TRANSPORTATION COMPANY, INC. (CHARLES D. TUDOR, TRUSTEE IN BANKRUPTCY), 900 Hill Street, Joplin, Mo., and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kans., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Kansas City, Kans., and Fort Smith, Ark., between Carthage, Mo., and Neosho, Mo., between Gravette, Ark., and Summers, Ark., between Summers, Ark., and Fayetteville, Ark., serving all intermediate points except Camp Crowder, McElhaney, Goodman, Anderson, Lanagan, and Noel, Mo., and Sulphur Springs and Gravette, Ark., between Kansas City, Mo., and Joplin, Mo., serving certain intermediate points, and the off-route point of Girard, Kans., between Frontenac, Kans., and Lamar, Mo., serving no intermediate points or Frontenac, between junction Kansas Highway 57 and U.S. Highway 69 and junction Kansas Highway 26 and U.S. Highway 66, serving the intermediate point of Crestline, Kans., between Joplin, Mo., and Parsons, Kans., serving certain intermediate points, between Altamont, Kans., and Parsons, Kans., serving no intermediate points, between Miami, Okla., and Vinita, Okla., serving the intermediate points of Narcissa and Afton, Okla., between Kay, Okla., and Wyandotte, Okla., serving the intermediate points of Grove and Fairland, Okla., between Wichita, Kans., and Fredonia, Kans., serving all intermediate points except Augusta, Kans., and certain off-route points, between Fredonia, Kans., and

Parsons, Kans., serving the intermediate points of Brooks and Dennis, Kans.; between Joplin, Mo., and Wyandotte, Okla., between Neosho, Mo., and Seneca, Mo., serving no intermediate points, with restriction; between Parsons, Kans., and Service, Kans., serving no intermediate points, between Parsons, Kans., and Service, Kans., serving all intermediate points, between junction Kansas Highways 103 and 7 at or near Cherokee, Kans., and junction U.S. Highway 69 and Kansas Highway 57 approximately 5 miles south of Pittsburg, Kans., serving all intermediate points, not including Cherokee, Kans., and with service at the termini for the purpose of joinder only, between Oswego, Kans., and junction U.S. Highways 59 and 66, approximately 2 miles south of Miami, Okla., serving the intermediate point of Welch, Okla., and the junction of U.S. Highways 59 and 66 (near Miami, Okla.), for the purpose of joinder only and with the right to tack at said junction, between junction Kansas Highway 96 and unnumbered Kansas Highway at or near Sexton, Kans., and junction Kansas Highway 105 and U.S. Highway 54, approximately 2 miles north of Toronto, Kans., serving all intermediate points except Toronto and serving the termini for joinder purposes only.

Between Springfield, Mo., and Seligman, Mo., serving certain intermediate points; and the off-route points of Washburn and Wayne, Mo., between Cassville, Mo., and Joplin, Mo., serving certain intermediate and off-route points, with restriction; between Joplin, Mo., and Powell, Mo., serving the intermediate point of Longview, Mo., between Monett, Mo., and Powell, Mo., serving the intermediate points of Granby and Longview, Mo., and the junction of Newton County Highway H and Missouri Highway 86 for the purpose of joinder only; over numerous alternate routes for operating convenience only; *general commodities,* excepting, among others, commodities in bulk, but not excepting household goods, between Fayetteville, Ark., and Muskogee, Okla., serving all intermediate points, between Lanagan, Mo., and Bentonville, Ark., serving no intermediate points; *general commodities,* except household goods as defined by the Commission, commodities in bulk, commodities requiring special or tank vehicle equipment, and articles contaminating to other lading, between certain specified points in Kansas; and *glassware, glass containers, caps, covers, tops, stoppers, boxes, cartons, and accessories for glassware and glass containers,* from Okmulgee, Okla., to Fort Smith, Ark., points in Texas, and that part of Kansas west of U.S. Highway 283, with restriction, from Waco, Tex., to points in Oklahoma. Vendee is authorized to operate as a *common carrier* in Kansas, Oklahoma, Missouri, Texas, Indiana, Michigan, Illinois, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10369. Authority sought for purchase by WARREN TRANSPORT, INC., 305 Whitney Road, Waterloo, Iowa 50704, of a portion of the operating rights of ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317, and for acquisition by IRWIN D. WARREN, and JOHN E. WARREN, both also of Waterloo, Iowa, of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Operating rights sought to be transferred: *Farm machinery and agricultural implements,* as a *common carrier,* over regular routes, from Canton, Ill., to Griswold, Iowa, serving the intermediate and off-route points within 20 miles of Griswold, for delivery only; *farm machinery,* over irregular routes, between points within 15 miles of Martin City, Mo., including Martin City; *farm machinery and parts thereof,* between points in Minnesota, North Dakota, Iowa, and Illinois, except points in the commercial zone as defined by the Commission of Fargo, N. Dak., on the one hand, and, on the other, points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission; *farm machinery and parts thereof,* except commodities requiring special equipment, between Nassau, Minn., and points in Minnesota within 25 miles of Nassau, on the one hand, and, on the other, points in South Dakota, between Omaha, Nebr., and Council Bluffs, Iowa, between Omaha Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points within 10 miles of Omaha, Nebr., and Council Bluffs, Iowa, between points in St. Louis County, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, between points in the Chicago, Ill., commercial zone as defined by the Commission, between Atlantic, Iowa, and points within 30 miles thereof, on the one hand, and, on the other, Omaha, Nebr.; from Windom, Minn., to points in Nebraska, South Dakota, and Wisconsin, from Des Moines, Iowa, to points in Wisconsin, with restriction;

Agricultural machinery and attachments thereof, when moving in the same vehicle with agricultural machinery, from the plantsites and warehouses of the Owatonna Manufacturing Co. at or near Owatonna, Minn., to Omaha, Nebr., and points in South Dakota; *industrial self-propelled loaders, and attachments* thereof when moving in the same vehicle with industrial self-propelled loaders, from the plantsites and warehouses of the Owatonna Manufacturing Co. at or near Owatonna, Minn., to Omaha, Nebr., and points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota; *agricultural implements and tractors,* from certain specified points in Illinois, to certain specified points in Iowa; *agricultural implements and parts,* from Moline, Ill., to Omaha, Nebr., from certain specified points in Illinois, to Griswold, Iowa, and points within 20 miles of Griswold, from Waterloo, Iowa, to Omaha, Nebr., from Omaha, Nebr., to Griswold, Iowa, and points within 20 miles of Griswold; *farm implements,* in truckload lots only, from Chicago, Ill., to Omaha, Nebr., Atlantic, Iowa, and points in Iowa within 60 miles of Atlantic; and *agricultural implements and farm supplies and equipment,* between Glenwood, Iowa, and points within 30 miles of Glenwood, on the one hand, and, on the other, Omaha, Nebr. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10370. Authority sought for purchase by SOUTHERN FORWARDING CO., 728 Alston Street, Memphis, Tenn. 38126, of a portion of the operating rights of PORTLAND EXPRESS, INC., Post Office Box 183, Russell Street, Portland, Tenn. 37148, and for acquisition by ELIZABETH CECILE BARNES, ANNE MARIE TORTI, MELISSA C. BARNES (ELIZABETH C. BARNES AND ANNE M. TORTI, Guardians), all also of Memphis, Tenn., of control of such rights through the purchase. Applicants' attorney: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier,* over regular routes, between Nashville, Tenn., and Mitchellville, Tenn., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Tennessee, Kentucky, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10371. Authority sought for purchase by NORTHERN HAULERS CORPORATION, 3330 South 20th Street, Philadelphia, Pa. 19145, of a portion of the operating rights of GEORGE A. TAYLOR, INC., Four Philmore Avenue, Post Office Box 188, Caledonia, N.Y. 14423, and for acquisition by HIGHWAY EXPRESS LINES, INC., also of Philadelphia, Pa., and, in turn by E. WILLIAM UTTAL, East 101 Oak Hill, Hagys Ford Road North, Penn Valley, Pa. 19072, of control of such rights through the purchase. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, both of 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Buffalo, N.Y., and Rochester, N.Y., serving all intermediate points, and certain off-route points, between Batavia, N.Y., and Rochester, N.Y., serving certain intermediate points, and the off-route point of Mumford, N.Y., between Albion, N.Y., and Buffalo, N.Y., serving all intermediate points, and certain off-route points. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Rhode Island, Maryland, Connecticut, Massachusetts, Maine, Vermont, New Hampshire, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10372. Authority sought for purchase by P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154, of a portion of the operating rights of BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Box 1012, Syracuse, N.Y.

13201, and for acquisition by FRANCIS P. MUTRIE AND JAMES E. MUTRIE, also of Waltham, Mass., of control of such rights through the purchase. Applicants' attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006, Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Operating rights sought to be transferred: *Dry cement* and *mortar*, in bulk, as a *common carrier* over irregular routes, from the plantsite of the Atlantic Cement Co., Inc., located near Portland (Middlesex County), Conn., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, West Virginia, Virginia, Wisconsin, Vermont, Maryland, Michigan, Delaware, California, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10373. Authority sought for purchase by McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich., of a portion of the operating rights of CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo. 63106, and for acquisition by LEONARD R. McKEE, also of Mattawan, Mich., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Foodstuffs* (except in bulk), and *advertising matter, display racks and premiums* when moving at the same time and in the same vehicle with foodstuffs, as a *common carrier*, over irregular routes, from the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., to points in Ohio and the Lower Peninsula of Michigan, with restriction. Vendee is authorized to operate as a *common carrier* in Michigan, California, Florida, Louisiana, Georgia, Arizona, Utah, Indiana, Mississippi, Alabama, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and as a *contract carrier* in New York, Maryland, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10374. Authority sought for purchase by MOTOR FREIGHT EXPRESS, Arsenal Road and Toronita Street, York, Pa. 17405, of the operating rights and property of FRENCH INTERSTATE TRANSPORTATION COMPANY, 5800 Grant Avenue, Pittsburgh (Neville Island), Pa., and for acquisition by MERCHANTS TERMINAL CORPORATION, 501 North Kresson Street, Baltimore, Md., and, in turn by HOFFBERGER FOUNDATION, INC., 900 Garrett Building, Baltimore, Md., of control of such rights and property through the purchase. Applicants' attorneys: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215, and Sigmund Kallins, 900 Garrett Building, Baltimore, Md. 21202. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Syracuse, N.Y., and Pittsburgh, Pa., serving all intermediate points, and the off-route points of Johnstown, Pa., and points within 25 miles of Pittsburgh, Pa., over one alternate route for operating convenience only; *such commodities* as are used or useful in the erection, operation, and dismantling of carnivals, between points in Ohio, Pennsylvania, and those in West Virginia on and north of U.S. Highway 50; *heavy machinery, scrap iron*, and *such commodities* as are used or useful in dismantling factories, between points in Beaver County, Pa., on the one hand, and, on the other, certain specified points in Ohio; *clay products*, from points in Beaver County, Pa., to points in Ohio on and east of U.S. Highway 21 and on and north of U.S. Highway 30; *hollow building tile*, from certain specified points in Ohio, to points in Beaver County, Pa.; *iron* and *steel*, and *iron and steel products*, from Beaver Falls, Pa., to Defiance and Toledo, Ohio, and points in Ohio on and east of Ohio Highway 4 and on and north of U.S. Highway 30 and 30N, from Massillon, Ohio, to Beaver Falls, Pa.; and *steel* and *manufactured steel products*, from Warren, Ohio, to points in New York. Vendee is authorized to operate as a *common carrier* in New Jersey, Delaware Pennsylvania, New York, Maryland, Virginia, Ohio, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10375. Authority sought for purchase by CROSSETT, INC., Post Office Box 946, Warren, Pa. 16365, of a portion of the operating rights of DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, West Main Street, Rushford, N.Y. 14777, and for acquisition by WILLIAM F. CROSSETT, also of Warren, Pa., of control of such rights through the purchase. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Petroleum and petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from certain specified points in Pennsylvania, to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, points in Maine on and south of Maine Highway 25, including Portland, Maine, certain specified points in New York, and points in New Jersey north, east, and west of Mercer and Monmouth Counties, N.J. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10376. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060, of the operating rights and certain property of DENNIS FUCHSHUBER, doing business as EQUIPMENT TRANSPORT COMPANY, 3900 Lawnwood Street, Fort Worth, Tex. 76111, and for acquisition by JIMMIE H. AYER, Post Office Box 6426, Station A, Marietta, Ga. 30060, of control of such rights and property through the purchase. Applicants' attorney: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–125288 Sub-1, covering the transportation of property, as a common carrier in intrastate commerce, within the State of Texas. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Georgia, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC–111545 Sub 115 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–1186; Filed, Jan. 28, 1969; 8:49 a.m.]

[Notice 767]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 116254 (Sub-No. 90 TA), filed January 13, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Martin Avenue, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases*, in bulk, in tank vehicles; (1) from Decatur, Fayette, Eastaboga, Tuscaloosa, and Opp, Ala., to points in Alabama, Mississippi, Tennessee, and Georgia; (2) from Pulaski, Tenn., to points in Alabama, Georgia, Mississippi, and Tennessee; and (3) from Tuscaloosa, Ala., to points in Alabama, for 120 days. Supporting shipper: Pargas, Inc., 220 Woodland Hills, Tuscaloosa, Ala. 35401. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 128383 (Sub-No. 4 TA), filed January 15, 1969. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, Pa. 19148. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk; (1) from John F. Kennedy International Airport, New York, N.Y. to Philadelphia International Airport, Philadelphia, Pa.; and, (2) from Philadelphia International Airport, Philadelphia, Pa., to Newark Airport, Newark, N.J., for 180 days. Supporting shippers: Airlift International, Inc., Post Office Box 535, Miami, Fla. 33148; American Airlines, Philadelphia International Airport, Philadelphia, Pa. 19153; Delta Air Lines, Inc., Atlanta Airport, Atlanta, Ga.; Pan American World Airways, Philadelphia International Airport, Philadelphia, Pa. 19153; Trans World Airlines, Inc., Philadelphia International Airport, Philadelphia, Pa. 19153; United Air Lines, Philadelphia International Airport, Philadelphia, Pa. 19153. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133102 (Sub-No. 1 TA), filed January 15, 1969. Applicant: ALLEN TRUCKING COMPANY, INC., Route 2, Box 51, Keithville, La. 71047. Applicant's representative: Paul Caplinger, Post Office Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and shavings*, from Lewisville, Ark., to Monroe, La., for 180 days. Supporting shipper: Lewisville Flooring Co., Post Office Box 216, Lewisville, Ark. 71845. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133385 (Sub-No. 1 TA), filed January 15, 1969. Applicant: ATLAS CARTAGE COMPANY, INC., 180 Belmont Avenue, Youngstown, Ohio 44503. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and parts* used in the manufacture thereof, between Washingtonville, Ohio, on the one hand, and, on the other, points in Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, West Virginia, Maryland, Virginia, Delaware, South Carolina, Florida, District of Columbia, Tennessee, Missouri, Illinois, Indiana, Michigan, Wisconsin, Iowa, Ohio, Maine, North Carolina, Kentucky, Minnesota, Nebraska, Texas, Oklahoma, Georgia, Kansas, Mississippi, Louisiana, North Dakota, South Dakota, Alabama, and Arkansas, for 180 days. Under contract and supported by: Go Tag-A-Long Trailer Manufacturing, Inc., 240 High Street, Post Office Box 55, Washingtonville, Ohio 44490. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 1240 East Ninth Street, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 133396 TA, filed January 13, 1969. Applicant: GRADY DAY, 1303 29th Street, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, Empire Building, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, to points in Alabama, Georgia, Mississippi, and Tennessee and in the State of Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, for 180 days. Under contract and supported by: Bickerstaff Clay Products Co., Inc., Columbus, Ga. 31901. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 133397 TA, filed January 13, 1969. Applicant: GEORGE JENKINS, Post Office Box 873, Phenix City, Ala. 36867. Applicant's representative: Richard Y. Bradley, Empire Building, Columbus, Ga. 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, to points in Alabama, Georgia, Mississippi, and Tennessee and in the State of Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, for 180 days. Under contract and supported by: Bickerstaff Clay Products Co., Inc., Columbus, Ga. 31901. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-1187; Filed, Jan. 28, 1969; 8:50 a.m.]

[Notice 282]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70994. By order of January 15, 1969, the Transfer Board approved the transfer to Gemini Transportation Co., a corporation, Walnut Creek, Calif., of the operating rights in certificate No. MC-128143 (Sub-No. 2) issued October 11, 1967, to Louis J. Vallas and Albert L. Serafino, Jr., a partnership, doing business as Gemini Transportation Co., Walnut Creek, Calif., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between San Francisco International Airport, San Francisco, Calif., on the one hand, and, on the other, points in Contra Costa County, Calif., restricted to traffic having a prior or subsequent movement by aircraft. C. R. Nickerson, registered practitioner, Nine First Street, San Francisco, Calif. 94105, representative for applicants.

No. MC-FC-70995. By order of January 15, 1969, the Transfer Board approved the transfer to Gemini Transportation Co., a corporation, Walnut Creek, Calif., of the operating rights in certificate No. MC-99916 (Sub-No. 1) issued April 19, 1965, to Elwood H. Horton and Harold H. Newsom, a partnership, doing business as Contra Costa Delivery Service, Walnut Creek, Calif., authorizing the transportation of general commodities, except household goods as defined by the Commission, automobiles, trucks and buses, livestock, commodities in vehicles equipped with mechanical refrigeration, commodities in bulk, in tank, dump, or hopper-type vehicles, and commodities in vehicles equipped for mechanical mixing in transit, between

San Francisco and Vallejo, Calif., between Oakland and Lodi, Calif., between Crockett and Antioch, Calif., between Pittsburg and Stockton, Calif., between Oakland and Pittsburg, Calif., betwen Concord and junction unnumbered highway and California Highway 5 near Byron, Calif., between Martinez and Dublin, Calif., between Dublin and Pleasanton, Calif., between San Pablo and Moraga, Calif., and between Moraga and Lafayette, Calif., serving all intermediate points. C. R. Nickerson, registered practitioner, 9 First Street, San Francisco, Calif. 94105, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-1188; Filed, Jan. 28, 1969; 8:50 a.m.]

[Ex Parte No. 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES, 1968

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of January 1969.

It appearing, that by order dated December 15, 1967, the above-entitled proceeding was instituted for the purpose of implementing the provisions of Public Law 89-430, amending section 1(14)(a) of the Interstate Commerce Act; and all common carriers by railroad subject to the act were made respondents therein;

It further appearing, that each carrier listed in the appendix to the order of December 15, 1967, was directed to complete and file in accordance with the accompanying instructions, the Data Sheet For Railroad Freight Car Study attached to said order and to maintain the underlying records until further ordered;

It further appearing, that petitions were filed by Union Pacific Railroad Co., Southern Railway System Lines, The Atchison, Topeka and Santa Fe Railway Co., Seaboard Coast Line Railroad Co., Chicago and North Western Railway Co., Missouri Pacific Railroad Co., Boston and Maine Corp., the Trustees of the New York, New Haven and Hartford Railroad Co., Pennsylvania New York Central Transportation Co., the Pittsburgh and Lake Erie Railroad Co., and The Long Island Railroad Co., on January 17, 26, 29, and February 1, 5, 15, and 20, respectively, seeking clarification of the order of December 15, 1967, and for a prestudy conference, and a reply to the petition of the Union Pacific Railroad Co., was filed by the Bureau of Enforcement on January 30, 1968; that action on said petitions and reply has been deferred, and no disposition of said petitions and reply has been made to this time;

It further appearing, that by order dated April 12, 1968, the Commission directed the Class I and II Switching and Terminal Companies and Electric Railways listed in the appendix thereto to complete and file answers to the questionnaire attached to said order concerning freight car supply practices of such carriers; and that the Commission by order dated June 25, 1968, required the carriers listed in the appendix thereto to complete and file the Data Sheet For Railroad Freight Car Study attached to said order and to maintain the underlying records until further ordered;

It further appearing, that as a result of the processing and a preliminary analysis, the data submitted by the carriers as referred to hereinabove, certain revisions and refinements in the study program appear desirable in order to insure that the record herein shall contain sufficient, relevant and material facts and information upon which the Commission can base a determination of the issues involved;

And it further appearing, that the appendix set forth below incorporates the revisions and refinements deemed necessary; and good cause shown:

It is ordered, That each respondent carrier listed in the appendices to the orders of December 15, 1967, and June 25, 1968, and the Commission's Bureau of Enforcement, shall on or before March 10, 1969, file with this Commission an original and 15 copies and serve on each respondent and the Bureau of Enforcement one copy of its written representations concerning the matters set forth in the appendix below. To the extent a respondent or the Bureau of Enforcement disagrees with the whole or any portion of that appendix it should so state with specificity and submit in detail its alternate suggestions, if any, as well as any suggestions as to additional studies which are deemed necessary to supplement those which are involved here.

It is further ordered, That the petitions referred to in the third appearing paragraph herein be, and they are hereby, denied since, by virtue of this order, the requests contained therein have become moot.

It is further ordered, That, until further order of the Commission, the orders of December 15, 1967, and June 25, 1968, shall remain in full force and effect.

It is further ordered, That a copy of this order, together with the appendix set forth below, be served upon each respondent, each Public Utility Commission or Board or similiar regulatory board of each State, the Secretary, Department of Transportation, the Association of American Railroads—Car Service Division, the American Short Line Railroad Association; that a copy be posted in each field office; and that a copy of the order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX

PROPOSED RAILROAD FREIGHT CAR STUDY FOR 1969-70

The proposed study of the adequacy of the freight car supply by types of car, as revised, is set forth in the following attached documents:

A description of the proposed sampling plan, entitled "Proposed Sample Plan for Ex Parte 252 Study, 1969-70";

A draft of reporting instructions, entitled "Data Sheet for Railroad Freight Car Study—Instructions"; and

A draft of data sheet, entitled "Data Sheet for Railroad Freight Car Study."

NOTE: These documents, filed with original. Copies are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

[F.R. Doc. 69-1189; Filed, Jan. 28, 1969; 8:50 a.m.]

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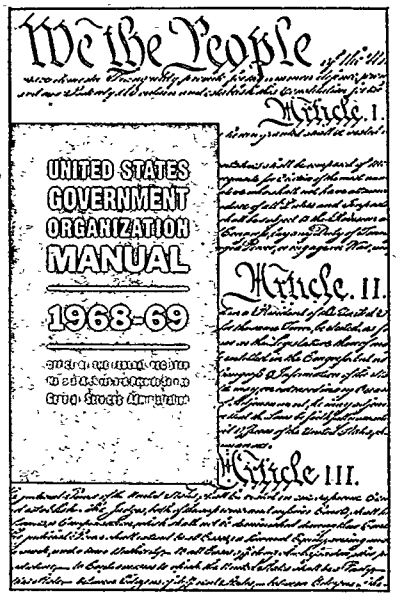

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